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The Barbarous Murder of W. Ware.

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THE
Trial
OF
JOHN THURTELL
AND
JOSEPH HUNT,
FOR
The Murder
OF
MR. WILLIAM WEARE,
IN GILL'S HILL LANE, HERTS,
BEFORE MR. JUSTICE PARK,
ON TUESDAY, THE 6TH, AND WEDNESDAY, THE 7TH JANUARY, 1824;
WITH
The Prayer,
AND THE
CONDEMNED SERMON,
THAT WAS PREACHED BEFORE THE UNHAPPY CULPRITS:
ALSO, FULL PARTICULARS OF
THE EXECUTION.

Thou shalt do no Murder!—*St. Matthew*, ch. xix. v. 18.
Whoso sheddeth man's blood, by man shall his blood be shed.—*Genesis*, ch. ix. v. 6.

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1824.

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ROYAL COLLEGE
OF
PHYSICIAN
OF
LONDON

THE TRIAL,

&c. &c.

FIRST DAY.

TUESDAY, JANUARY 6th, 1824.

This morning having been fixed by the Court, at the late sittings for the trial of these prisoners, Judge Park entered the Court-house at eight o'clock in the morning; and Hunt, Thurtell, and Probert, were immediately brought to the bar; when Mr. Thessiger made an application for Joseph Hunt to be admitted as a King's evidence. The affidavit was handed to Hunt, who signed it steadily; the substance of which was, that the deponent (Joseph Hunt) having been apprehended on a suspicion of murder, he was applied to by Mr. Noel, who had been employed by the magistrates of Hertfordshire (Mr. Mason and Mr. Clutterbuck) to discover certain facts connected with the supposed murder. That Noel had said to him, "We have clear evidence in every other respect; we only want to know where the body is deposited; and if you will discover that, you shall be admitted as an approver, provided you were not the actual perpetrator of the murder." That Mr. Noel, after some hesitation on the part of deponent, repeated the application to him, and said, "For God's sake, Mr. Hunt, tell us where the body is, and you shall be safe." That after repeated asseverations on the part of Mr. Noel, in the presence of the magistrates, the deponent consented, and Mr. Noel then said to him, "Mr. Hunt, I hope you are now perfectly satisfied. Take a seat, and let us know all about it." That deponent then stated various facts in relation to the murder, as far as from the agitation and hurry of his mind he was able to recollect them, and that he (the defendant) did himself particularly show them where the body was deposited. That subsequently, other facts having occurred to him, which he had omitted in his first statement, he sent for the magistrates, and communicated the said facts to them and to Mr. Noel. That he was subsequently taken before the Coroner's Inquest, and that the magistrates pressed the Coroner to allow

him (Hunt) to be examined upon oath; that the Coroner, however, objected to this, but took from him a statement of facts, and that he answered such questions as were put to him.

Another affidavit was then put in, and sworn by Mr. Noel, which states that the deponent did make the offer to H. to become an approver, with the full approbation of the magistrates, and he, with their knowledge and consent, promised that he (Hunt) should be admitted an approver, if he had no hand in the actual commission of the murder. That Hunt consented, and in pursuance made a confession, and pointed out the place where the body was deposited: that the magistrates then expressed their opinion that from the nature of the concealment, but for the confession of Hunt, it never could have been discovered where the body was laid; and that this deponent verily believes it could not.

Mr. GURNEY asked whether it was necessary to offer counter-affidavits.

Mr. Justice PARK said, "I can give no direction; if you think fit, after the affidavits that have been made, to proceed, I shall not interfere. You must use your own discretion."

Mr. GURNEY then put in answers to the affidavits.

Mr. Mason and Mr. Clutterbuck then came forward from the witnesses' box, and sworn. Their affidavit stated that it was suggested by Mr. Noel that Hunt would make a confession, but that they gave no authority whatever to offer to Hunt to be admitted as an evidence; that they fully understood that if he made a full and true disclosure, an application would be made to the Court to admit him as an approver, but that no assurance was given him to that effect, and that from circumstances that have come to their knowledge, they believed that the said Joseph Hunt did not make a full and fair disclosure.

An affidavit of the Coroner, Mr. Rooke, was then put in. It stated that he had made no promise whatever to Joseph Hunt that he would endeavour to get him admitted as an approver.

Mr. Gurney said he would bring forward another affidavit, to show very material facts not stated in the confession of Hunt, it was, that Hunt did not state in his confession, that he had had previous knowledge that a murder was to be committed, and that he consequently endeavoured to show, that he was not an accessory before the fact; that other testimony showed that he omitted facts which would have given the crime a character very different from that which he actually gave it; and that consequently his confession was not full or true.

Mr. Thessiger then rose in support of the application, and noted a number of cases: but Mr. Justice Park was decidedly of opinion that none of the arguments applied to him, whatever weight they might afterwards have with his Majesty's Government. There was no reason for delay. The magistrates had no authority, and did not consider that they had authority, to admit a man a witness for the Crown. No objection had been made

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to the admission of Probert; and if there had, there could be no reason for refusing the proposition of the counsel, who thought his evidence necessary. He dared not put off the trial, or to listen to the arguments used for not trying Hunt. The magistrates had not done wrong in receiving the disclosures which Mr. Noel thought proper to make, through Hunt.

The following Jury were then called into the box, those challenged were not desired to go into the box, though their names were called.

Thomas Brown

Thomas Briggs, Hertford

Reginald Jennett

Rieh. Prior, Bishop Stortford

George Starbrie, ditto

Charles Fox, Hitchen

John Russell, Hitchen

Thomas Chalkeley, Stevenage

Wm. Foulding, ditto

John Hopewell

Samuel Pritchard

William Kimpton.

The Jury having been sworn, Mr. Knapp, the Clerk of Arraigns, stated the indictment against Thurtell and Hunt, and the Coroner's Inquest against Probert.

Mr. Gurney rose and said, that he had no evidence to offer against William Probert, and the Jury would therefore give him their verdict before he should state the evidence which he was prepared to give against the other two prisoners.

Mr. Justice Park said, that as the Counsel for the prosecution gave no evidence against William Probert, he was entitled to their verdict.

The Jury accordingly found him *Not Guilty*.

Mr. Justice Park—Let him be removed.

All the witnesses were then ordered out of Court, excepting such medical gentlemen as might be called.

Mr. Broderick then stated the counts of the indictment.

Mr. Gurney then rose and addressed the Jury. As the delay which has taken place in the proceedings against the prisoners at the bar, owing to the late excitation of public feeling, must have had its intended effect, you are now assembled, I trust, with minds prepared to give perfect satisfaction by your verdict. The crime with which the prisoners stand charged, is undoubtedly one of the most monstrous description; it is imputed to one of the prisoners that he committed the act, and to the other, a knowledge of the intention to commit it; it is, therefore, a crime perpetrated in the most deliberate manner and coolest blood, under the most aggravating circumstances. I shall not ask for your verdict but upon the most conclusive evidence; and, indeed, when you consider the nature of the case, you would naturally call for strong proof.

The learned counsel then recapitulated most of the leading points as stated in the Coroner's Inquest. He then called—

John Beeson, examined by Mr. Bolland.—I went with Hunt for the body. He pointed it out: the body was concealed in a sack down to the knees. It was near Elstree. There was a rope lying on the sack;

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it was about a yard long: there was a stone fastened to the end of the rope, it was carried to the Artichoke at Elstree.

Cross-examined by Mr. Andrews.—The pond is about a quarter of a mile from Elstree, and on the right hand of the road. To the left there is a finger-post, directing to Battler's Green; there are four ways, if a man ignorant of the road were going to Probert's, he might mistake his way there. If by mistake a person went from that place on the road to Radlet, he would, by turning down the lane, get again on the road to Probert's cottage; the roads there are very narrow and bad, and must be travelled slowly.

By Mr. Thessiger, for Hunt.—Four of us, besides the coachman went for the body. The place where we found it is two miles from Probert's cottage; we went altogether to the brook and searched about five minutes, and found the body in the deepest part; it was the deepest nearest the hedge; no one or two men could have placed it there without going into the water. Witness, on the question being repeated, said, he thought if two men laid hold of the body they might have swung it to the place where it was found, one could not; the body was five yards from the edge of the pond.

Re-examined.—I heard Hunt point out the pond before we searched it; the body might have been placed where we found it by throwing the rope over the pond, and then dragging the body in.

By the Court.—The pond is about as large as the Court-house; all the rope was twisted round the body in a careless manner when it was taken out of the pond; there was a handkerchief full of stones in the sack.

Robert Field, examined by Mr. Broderick.—I keep the Artichoke public-house, on the road to Elstree; a dead body was brought to my house on the 30th of October; I saw it drawn out of the pond; it was in a sack fastened with a cord; there were two or three yards of the cord hanging when the body was drawn out; the same body was afterwards shown to Mr. Rixworthy and Richard Weare.

John Upton, examined by Mr. Bolland.—I am a Bow-street officer. I was at Watford when the prisoners were examined on the 29th and 30th of October; on the 30th I had a conversation with Thurtell; I was one of those who went for the body; we got a rake and fish fork, and searched the pond without success; a man got a ladder, and was searching the pond; Hunt said it was nearer the edge; it was found there.

William Rixworthy, examined by Mr. Boderick.—I was intimately acquainted with the late Mr. Weare, I saw the body dead at the Artichoke on the day of the Inquest, the 30th or 31st of October. I am positive that it was his body.

Cross-examined by Mr. Andrews.—I knew the body as well as if he was alive; I never expressed a doubt of it.

Richard Weare, examined by Mr. Bolland.—I saw a dead body at the Artichoke, near Elstree, on or about the 30th of October, it was the body of my brother William.

Thomas Abel Ward, examined by Mr. Broderick.—I am a surgeon at Watford, and examined a dead body at the Artichoke on the day of the Inquest—there were several marks of violence about the left temple, which corresponded with the muzzle of a pistol then produced; the wounds penetrated the skull; several portions of the bone were broken and driven into the substance of the brain; the wounds had every appearance of being produced by the pistol; they would have caused immediate death. A wound on the right cheek had the appearance of

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being from a gun or pistol shot; it would not have caused death; there was a lacerated wound on each side of the neck, given by a knife or sharp instrument; the jugular vein was divided on the left side.

Cross-examined by Mr. Platt.—The impression of the pistol was made on parts of the skull that were not fractured. More than one of the bones of the skull was broken, it might have been done by a larger instrument than a pistol. The wound was an inch and a quarter long, by seven-eighths wide. Witness here produced the fractured bones taken out of the wound. A great hæmorrhage must have taken place, if the wound was inflicted on a living person. It is impossible to say whether the wound was inflicted before or after death. After the body was in the water three or four days I could not judge. The body was quite fresh.

George Ruthven examined by Mr. Bolland.—I am an officer of Bow-street, I apprehended the prisoner John Thurtell on the Wednesday, after the supposed murder, at Mr. Tetsall's, the Coach and Horses in Conduit-street.—I searched him, and found in his coat-pocket a pistol, not loaded. There was a pistol-key and a knife in his waistcoat pocket. The key belonged to an air-gun. I found a white muslin handkerchief in a drawer by his bed-side; it was marked with blood; also a shirt stained with blood at each end of the collar. I likewise found a black kerseymere waistcoat, with marks of blood upon the pocket.

By the Judge.—Where did you find that?

Ruthven.—On his back I found a black coat covered with blood on both cuffs, and on the left shoulder.

By the Court.—Where was that found?

Ruthven.—On his back—my Lord; there was also a hat on his head, with marks of blood on it. I apprehended Hunt at his lodgings, No. 19, King-street, Golden-square, on the same day that I apprehended Thurtell. On Thursday night (the day following), I went to his lodgings, and searched them; I found a box, a double-barrel gun, maker's name Manton, two dice-boxes, and under the bed I found a large sponge: there was also a carpet-bag, which to my recollection was empty—I also took a shooting-jacket, a pair of breeches, and leggings; one pair of half, and one pair of Hessian boots: I also found a coat, two waistcoats, two coloured handkerchiefs, and three shirts, two of the shirts were marked W.W. only; there was likewise one neckcloth, one collar, one night-cap, a powder-flask, a cork-screw, and a bullet mould, I have had all these things in my possession ever since.

Henry Symmonds called, and having been sworn, was examined by Mr. Broderick to the following effect:—I am constable at Watford, I have brought here with me a pocket-pistol, a piece of a shirt, a handkerchief, and other things. This pistol [here witness drew a small pistol from a bundle], I got it from Henry Nichols. It is stained with blood. It was so stained when I received it. It is now as it was when I received it. When I found it there was hair about it, and so there is yet. [The pistol was then handed into the Jury-box, and was inspected by each Juror.]

William Probert was the next called. Having been sworn, he was examined by Mr. Gurney, and answered to the following effect:—I occupied a cottage near Gill's-hill-lane for six months before October last. My family consisted of Mrs. Probert, her sister Miss Noyes, a son of another sister, a servant-maid and boy. Only one Miss Noyes was with us in October. I had the children of Thomas Thurtell. They

were two. He is brother to prisoner. I have been for some time acquainted with the prisoner John Thurtell. He had been often with me at my cottage. He had been about there sporting with me. He very well knew the road to my cottage. He knew all the roads there. Gill's-hill-lane turns out of the road leading to Radlet, which is about a quarter of a mile from my house. The usual road to my house was to go to Radlet, and turn down Gill's-hill-lane. My cottage is about fourteen miles from Tyburn turnpike. In the latter end of October, when this happened, the prisoner lodged at the Coach and Horses, in Conduit-street. His brother also lodged there. It was not I that took the lodgings for them. I met them there every day. On Friday, the 24th of October, I dined at Tetsall's with Thurtell. Mr. Tetsall is proprietor of the Coach and Horses. Hunt and Thomas Thurtell were there, and also Mr. Noyes. After dinner, John Thurtell spoke to me of money.

Mr. Gurney—How was that? Tell it.—Some days before, I borrowed 10*l.* of Thurtell. He then, in giving me it, said, You must let me have this back on Thursday or Friday. On the Thursday I saw him at Tetsall's. He asked me if I had got the 10*l.*? I said no, for I had not been to collect any money since. He then said, I told you that I should want it: it is 300*l.* out of my pocket. He said, If, however, you can let me have it to-morrow, it will answer the same purpose. On the next day (Friday) I paid him 5*l.* which I borrowed of Mr. Tetsall. It was after dinner on Friday when I paid him the 5*l.*

Had you then any further conversation?—Yes, he said I am going down to your cottage, and am to have a friend with me in my gig—you can drive Hunt down in yours. Yes, said I. He said, he himself wished to go in company. I shall, said he, have a friend to meet at Oxford-street at five o'clock. He and I will drive down. If I have an opportunity I mean to do for him, for he is a man that has robbed me of several hundreds. He added, I have told Hunt where to stop. I shall want him about a mile and a half from Elstree.

Did he say any thing to yourself?—Yes, he said to me, if you are fearful you shall not be down, give Hunt a pound.

Did you give the pound?—Yes, I did.

Was Hunt at this conversation?—Yes, he was present, and when I gave the pound in silver, John Thurtell gave it to Hunt, saying, There, Joe, this is for you, you will have a horse—you know where to stop to meet me.

What did Hunt say?—I do not know what answer Hunt made; but I gave him 20*s.* in silver. Thurtell then left the inn, in his gig chaise, with a grey horse and white face.

Who brought the horse?—I believe it was Hunt brought the horse; I did not see him bring him.

When did you set out?—Thurtell left the Coach and Horses a little after five o'clock. I afterwards set off with Hunt in my gig.

Did you set out at the same time?—Nearly so.

Did you stop any where?—Yes, I did. When I came to the middle of Oxford-street, Hunt got out to buy some pork; this was at my request; it was to be for supper. When we came to the end of Oxford-street, Hunt said, This is the place where Jack is to take up the other person. By Jack he meant John Thurtell. In our way down, we overtook John Thurtell, about four miles from town. Hunt said to me, Drive by, but take no notice.

Did you then pass Thurtell?—We did.

What did Hunt say then?—Hunt said, All is right, Jack has got him. There were two in the gig; they were Thurtell and another. I

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passed, and said nothing. We did not accost them. I stopped at a public-house, called the Bald-faced Stag; it is about seven miles from town, and two miles short of Edgware.

What o'clock was it then?—It was then a quarter to seven, I think.

Did you make any observation when Hunt said, All's right, he has got him?—Yes; I asked, Who is that he has got? Hunt said, You are not to know his name; you never saw him; you know nothing of him, not even his name. I got down to drink some spirits at the Bald-faced Stag; Hunt would not go in.

What did he say?—He said he would not meet the ostler, for he did not return him some horse-cloths he had borrowed. We stopped twenty minutes at the Bald-faced Stag. I next stopped at Clarke's public-house, called the Red Lion, at Edgware; there I had some brandy and water.

How long did you stop there?—We did not stop ten minutes. I stopped next a little farther on; I bought a sack of corn for my horse there.

Did Thurtell pass?—No; but Hunt expressed his surprise at where Thurtell was, and said, Sure he could not have passed by. We then rode on to the Artichoke public-house, kept by Mr. Field, at Elstree. We got there about ten minutes before eight o'clock. We did not get out of the gig, but had something to drink. Our object was to wait for John Thurtell.

Did he come up?—Yes; but when we heard the horse and chaise we started. We had stopped about three-quarters of an hour. We went on a mile and a half, without resting; we at last stopped at Phillimore Lodge, where Hunt desired to get out to wait for John Thurtell.

What did Hunt say on getting out?—He said, I shall get out here to wait for John Thurtell. I then drove on through Radlet towards my own cottage. About 100 yards from my cottage I met Thurtell, alone.

What did he say to you?—He cried out, Holla! where is Hunt? I answered, that I left Hunt waiting for him at Phillimore Lodge.

What was his observation?—Oh! said he, I don't want him now: I have done the trick. He then went on to say, that he had killed his friend whom he had brought down with him; that he had rid the country of the villain who had robbed him of 3 or 400*l*.

What did you say to him?—I said, Oh, good God! I hope you have not killed the man.

What answer did he make?—He said, It is of no consequence to you; you don't know him—you never saw him; you had better go back and fetch Hunt; you know where to find him, knowing where you left him.

Did you go for Hunt?—Yes; I returned to the place where I left Hunt, and I found him near the same spot where I left him.

Did he say any thing to you, or you to him?—Yes; when I came up to him, I said, John Thurtell is at my house, and he says that he has killed his friend.

What did Hunt say to that?—Hunt said, Thank God that I am out of it!—he has done it without me; but I can't think where the d—il he passed us, for I did not see him pass any where. I am glad I am out of it: this is the place, he said, where we were to have done for him.

Did you ask to know who the man was?—I asked Hunt who the man was. He said to me, You don't know him, and I shall not tell you.

Did you ask him why he killed him?—Yes; and he said that the man had robbed Jack of several hundred pounds, and they meant to have it all back again.

Did this conversation pass at the spot where you found Hunt on your return?—This conversation passed as we proceeded towards my gate.

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Did you meet Thurtell?—As we came up, John Thurtell was inside the gate leading to my cottage.

What conversation passed then?—Hunt spoke first to Thurtell, and asked how he could have passed us.

What answer did Thurtell make to that?—Thurtell said, No matter where I passed you: I have done the trick—I have done for him.

Did he make any observation on yourself?—Yes; he said to Hunt, why did you let him stop to drink at a public-house, when you knew what was to be done?

What did Hunt say to him?—Hunt said, I made sure of you being behind us, or we should not have stopped.

What did you do after this conversation?—I took the pork which we brought in my gig to the kitchen, and gave it to the servant-maid to cook. I then went into the parlour to introduce Hunt to Mrs. Probert.

Was that his first time at your house?—It was.

Where was Thurtell?—Thurtell followed us into the parlour; we stopped there some short time; we then went out to the stable. Thurtell then said, I will take you down, to show you where the man lies. We did go down with him.

What excuse did you make to Mrs. Probert for going away and leaving her alone?—I went and told her we were going down to Mr. Nichols, to ask him for leave for a day's shooting.

Did you then go?—We did. Before we went Thurtell took out a sack and a cord, which was brought down in the gig. We then went down the lane. I carried the lantern.

Was there any conversation on the subject of the killed man, as you were going down the lane?—Yes: Thurtell said to Hunt, I began to think you would not come. To this Hunt said, We should have been in time, but we made sure of your being behind. I was before them with the lantern, and walked down a little farther. Thurtell said, A little farther on: the body is just beyond the second turning.

Did you find the body there?—No; but when we came to the turning, Thurtell again said, A little farther on, and we'll reach him. He again said, when we reached the place, This is the place. He began at the same time to kick the leaves about, and to search for the pistol and knife.

Did you find them?—No, we found neither. We soon after looked over the hedge, and there we found the body lying, with the head wrapped up in a shawl. I think it was a red one.

What did you do when you went to the body?—Thurtell began by searching the pockets. He took out a pocket-book, from which he took three 5*l.* notes, and some silver.

Was there no watch?—No: Thurtell said, after taking the notes out of the book, that there was no more, for that he had taken the watch and purse when he had killed him.

What did you do with the body?—We put it, head foremost, into the sack; we then tied the sack with a cord; he was in it up to the knees.

What sack was that?—The sack which Thurtell brought out of his gig. We then took it, and left it in a newly-ploughed field.

Did Thurtell say how he killed him?—He said, When I first shot him he jumped out of the gig, and ran like the devil, singing out that he would deliver up all he had got, if I would but spare his life.

Mr. Justice Park—Singing out!

Did you know, or did you hear, that Thurtell was in the sea service?—I don't know; I believe I heard Thurtell say that he was in it.

Mr. Gurney—Continue to tell the Jury the manner in which Thurtell said he killed the man.

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He said, I jumped out of the gig and ran after him; I got him down, and began to cut his throat with my knife. I first cut the jugular vein. He would not cease his singing out. I then ran the pistol into his head and gave it a turn round, and I then knew I had done for him. Hunt said, I thought one of the pistols would have killed him dead, but you had tools enough. I then returned to my cottage.

Did Thurtell produce a watch?—Yes, he produced a handsome gold watch, with a double case.

Had it a chain?—Yes, a gold chain and seal.

Did he take it off?—Yes, he took it off the watch, and made Mrs. Probert put it on her neck, observing that it fitted her. Mrs. Probert accepted it, and put it round her neck.

What did he then do with the watch?—He put the watch and seal into his pocket.

Had you any spare beds in your house?—Yes, we had the bed in which Miss Noyes slept.

Was anything said about going to bed?—Yes, Mrs. Probert asked Hunt and Thurtell if they would like to go to bed.

What did they say?—They said that they thanked Mrs. Probert; that they would not put the family to any inconvenience, and would lie that night on the sofa.

Were there any songs sung after supper?—Yes, Hunt sung, I think, two or three songs.

He is a singer by profession, I believe?—Yes, I believe he is.

Did Mrs. Probert and Miss Noyes go to bed that night?—Yes: they went to bed about twelve or half-past twelve o'clock.

Did any thing happen when they went to bed?—Yes: John Thurtell produced two pocket or memorandum books, and a purse.

Was there anything in the purse?—Yes, there were some sovereigns; I can't say how many.

Did he give you anything?—Yes, he gave Hunt and me six pounds a-piece—a five-pound note and a sovereign.

Did he say anything?—He said, That's your share of the *blunt*.

Were there any papers in the memorandum-book?—Yes, several.

What was done with them?—They were burned.

Was the purse burned?—Yes, the purse and memorandum-book were burned.

Anything done with the carpet-bag?—Yes, it was opened. Thurtell said, that the bag belonged to the man whom he had murdered. The contents of the bag were some wearing apparel and shooting materials. They were all taken out and examined; and then they were put in again, with the exception of two or three silk handkerchiefs. The bag likewise contained a backgammon-board, with some dice and cards; there was also a double-barrel gun in a case, which was taken out and looked at. The carpet-bag, with all these things, were taken away next day, by Thurtell and Hunt, in a gig.

After you had examined the articles, as you have stated, did Thurtell propose to do any thing?—Yes; after we had had glasses of brandy and water all round, Thurtell said, I mean to have Barber Beaumont and Woods too.

Who are they?—Mr. Beaumont is an officer of the fire-office; and Woods is a young man in London, that keeps company with Mrs. Probert's sister. I don't remember that he mentioned any body else.

Did Thurtell then propose to do any thing?—Yes; he said, Joe (meaning Hunt), we must now go and fetch the body; and, he added, that he would put it into my pond. I replied, that he must not do any

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such thing, for it would be my ruin. Thurtell then said, Had it not been for the mistake of Hunt, I would have killed him in the lane, and then Joe should have returned to town, and inquired of his friends why he had not been there. Thurtell and Hunt then both went out. After they had been gone about a quarter of an hour, they returned, and Thurtell said they had only brought the body a little way, as it was too heavy for them. Thurtell then proposed to me to go along with him to the stable, and put the bridle on the horse. We went and put the bridle on Hunt's horse, and leaving him with the horse, Thurtell and I went to the body. Hunt came with us. We put the body on the horse, and brought it to Mr. Wardle's field. Hunt then took back the horse to the stable, and returned to us. We then dragged the body between us through my garden to the pond. We then put some stones into the sack with the body into the pond; the feet appeared above the water, and Thurtell obtained a piece of cord, which was drawn over the legs, and he and I dragged the body into the deep part of the pond. I then returned to the cottage, and went to bed. My wife was still up. At nine o'clock the next morning I came down, and saw Thurtell and Hunt. Thurtell said they had been down the lane looking for the pistol and knife, but could not find them; he asked me to go down in the course of the day to look for them, which I agreed to do. In the course of the day I did go down, and seeing a man about the place I took no notice. After breakfast Thurtell and Hunt went away. On Sunday, which was the next day, they came down again. Thomas Thurtell and Hunt came down together in a gig, and John Thurtell and Thomas Noyes walked. Hunt brought a bundle of clothes, a newspaper, and a spade; he said the spade was to bury the deceased. After they had arrived, Hunt went back and fetched John Thurtell and Noyes. When they arrived, Hunt was very dirty, and went up stairs to change; he returned, dressed in new clothes; he told me they belonged to the deceased person; he told me they had thrown the spade into the garden. Thurtell and I walked into the garden, when he asked me if the body had risen; I said no, and that it would be there for a month. In the afternoon Mr. Heward called, and I went with him to Mr. Nichols. On my return I told Thurtell and Hunt that Nichols mentioned to me that somebody had fired a pistol the Friday evening before in Gill's-hill-lane: that there were cries of murder, as if some person had been killed; Mr. Nichols had said, that he supposed some of my friends had been firing, to frighten each other. I told this to Thurtell, and he said, If that be so, I am booked. I observed, that as Mr. Nichols seemed to know all about it, I was afraid it was a bad job. I said, I am sorry for it, as I fear it will be my ruin. Thurtell said, Never mind, Probert, they can do nothing with you. I said, Let the body be taken from my pond; he said, Never mind: after you are all gone, Joe and I will go and bury the body in the garden. I said, that it would be as bad to bury it in the garden. Thurtell said, I'll bury him where neither you nor any body else may know where it is. As we were returning, Hunt said, in Thurtell's presence, If they find it all out, they can do nothing with you and me, for neither of us was in the murder. Hunt and Thurtell sat up all night. I went to bed: Mrs. Probert, T. Thurtell, and Mr. Noyes, also went to bed. In the morning, when I got up, Thurtell and Hunt told me that they went to bury the body, but that the dogs barked all night, and they thought there were some persons about the grounds. Thurtell then said, Joe and I will come down to-night, and take away the body, and that will be better for you. Thomas Thurtell, and Hunt and my boy, went away in a chaise; John Thurtell, Mr. Noyes, and

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Miss Noyes, went away in another chaise. The boy was sent away on purpose, in order to be out of the way, to answer no questions. The same evening Thurtell and Hunt returned in a gig to my cottage, and brought some supper. After supper Thurtell and I went to the stable together, leaving Hunt and Mrs. Probert together. Thurtell said to me, Let you and I remove the body together, while Hunt is with Mrs. Probert, and then she will not suspect any thing. We accordingly went to the pond, and took the body out. We took it out of the sack, and cut the clothes off. We left the body naked on the grass, and returned to Hunt, and said to him, before Mrs. Probert, that the horse and gig were ready; he then came out, and John Thurtell went over to the gig, and took out of it a new sack and some cord. Hunt, Thurtell, and I, put the body into the sack, and carried it to the garden-gate. I left them with the body. I had the clothes in my hand, which I flung into the field. The horse and gig was then brought to the lower garden gate. Thurtell asked me to assist in putting the body into the gig. This I refused to do.

What did you do with the clothes?—I burned a part of them, and a part I concealed here and there amongst the hedges. I was taken up on the Tuesday after the murder. I was apprehended at Mr. Nichols's.

CROSS-EXAMINATION OF PROBERT.

Probert was then cross-examined by Mr. Andrews.

Both the prisoners now rose, and seemed, if possible, still more attentive to what was going on.

You were taken up at Mr. Nichols's? Did you express any desire, before you were apprehended, to become a witness in this affair?—I wished to become a witness, certainly: I was asked to become a witness.

But did you express a desire to become a witness, before you were asked to become a witness?—I cannot say exactly.

Did you hear of the story that Hunt told?—No, except from the public prints.

Are you, or are you not, now a witness in this case by your own desire?—I first heard of it from Mr. Wilson, who came to tell me that I was admitted as a witness.

Then you never before had any intelligence of the fact from Mr. Wilson?—Never to my knowledge.

You never before knew that you were to become a witness?—I never knew of it till I heard it from Mr. Wilson.

Had you not seen Mrs. Probert since?—Never since.

By the Court.—You mean to say that you have never seen her since your apprehension?—I have never seen her since my apprehension.

By Mr. Andrews.—Have you not been told that she was here as a witness?—I have been told so by my solicitor.

Who is your solicitor?—Mr. Williams.

Had not a person named Noel been your solicitor?—Yes, I am sorry to say he had.

How long?—Some few months since.

In what year?—In the year 1819.

Not since?—No, not as I recollect.

Has he not been your solicitor down to the last year?—Not to my knowledge.

Have you had no communication with him down to this time?—I will not swear one way or the other.

You understood on the Friday, at Tetsall's, that some mischief was

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contemplated to some person who was at your cottage, and yet you took no steps to prevent it?—No, I did not.

Why did you not?—I did not believe it.

You first heard of it when you saw the body?—Certainly I did.

You believed it then?—Yes, but I was in liquor at the time.

Were you in liquor the next morning?—No.

Did you not sit at supper the night before, and at breakfast the next morning, with the person whom you believed the murderer?—I did.

Was Mrs. Probert calm on the Friday night?—No, she was not calm—she was much agitated.

Did you speak with your wife about any thing that had occurred that night, and about any thing she saw?—I think I might have said that it was some netting which John Thurtell had brought down.

Did she not ask who Hunt was?—I think not; she might have asked, I can't swear positively.

What time did you come down stairs on the Saturday morning?—About nine o'clock.

Will you swear it was before or after nine?—I think it was between eight and nine.

Will you swear it was not six o'clock when you came down?—Yes, I will.

What hat did you wear on Saturday?—I will not swear whether it was black or white. I think it was black.

Did your wife express any uneasiness on Friday, Saturday, or Sunday night?—I don't know that she did: I will not be positive.

Did she not wear the chain that Thurtell gave her?—I believe she did.

Did Thurtell put it on, or Mrs. Probert?—I believe Mrs. Probert.

Had she not shown any uneasiness on Friday, Saturday, or Sunday?—Perhaps she might; I don't know; I believe she had.

Where was the boy when the sack and the cord were taken out of the stable?—I am not certain, I think he was in the kitchen. I did not know that the sack and the cord were in the stable, till Thurtell told me.

Who was in the stable when the body was taken up?—I don't know; the boy was then gone to bed the second time.

Have you never been in difficulties of this kind before?—Never in such as this.

Have you never been charged with felony before?—Yes, I have been charged with stealing money out of a till, from a man who owed me 100*l*. at the time, and I was sent for six months to the House of Correction.

Was that the only time you were charged with felony?—Yes, it was.

Were you never charged with sheep-stealing in Hereford?—Never with stealing sheep.

Or lambs?—No, I was charged with buying skins, but not before the Magistrates.

Have you not passed a good part of your time in prison?—I have been two or three years in the Bench, in the Rules, Horsemonger-lane, and the House of Correction, and in no other prison.

Do you know Mr. Waitson?—Yes.

Were you not committed for not answering before the Commissioners of Bankrupt?

The Court—You will answer the question put to you by the Learned Counsel.

Probert—I was then in the King's Bench.

Mr. Justice Park to Mr. Andrews—Your object is to show that there was another imprisonment.

Mr. Andrews—No, my Lord; my object is to show that there was another cause of imprisonment.

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Cross-examination continued—When the Commissioners sat in Chancery-lane, I was brought up by Habeas Corpus from the King's Bench.

Did you ever get your certificate?—Never.

What was the amount of your debts?—14,000*l*.

Did you ever pay a shilling in the pound?—Never.

Was there never any dividend made?—Never.

How often were you brought up before the Commissioners?—Six or seven times.

Have you been living at the cottage ever since you were discharged?—No.

How long have you been living at the cottage?—Six months.

Where did you live in the intermediate time?—In the Strand.

What trade have you carried on?—I have been in the wine trade.

Has that failed also?—No my brother-in-law carries it on still.

You saw the horse in question?—I did.

Could you identify it?—I could.

What was Hunt's dress?—I don't recollect exactly. He wore a black hat, and not a white one.

Did you not hear that some mischief was intended against Mr. Beaumont and Woods?—I did, but did not believe it.

After that you thought Thurtell a fit object to be introduced to your wife?—I thought nothing about it.

You heard the parties talk of murdering Weare and Woods, and you did not mention it?—No, I did not.

Not though Thurtell was making love to Miss Noyes at the time —I did not think that love was ever likely to take place.

Did you take any steps to prevent the murder?—No, I never thought he would commit it.

Your anxiety was only to get the body removed?—That was all.

What account did you give of the six pounds?—I said I received 5*l*. in part payment of 6*l*. due to me from Thurtell.

Did you never give any other account of it?

The further examination of this witness was to the following effect:—No person was present but the three when the money was distributed. Cannot name any one who saw it distributed on the Friday night except the three. I did not play at cards on Friday, Saturday, or Sunday. I never in my life saw my wife play at cards. I don't recollect any one saying that the example of playing at cards was a bad one. I have been in London eleven years.

Cross-examined by Mr. Thessiger—I had no conversation with Thurtell as to any particular night on which he should go down. I knew Hunt about twelve months. I introduced Hunt to Thurtell the first time. Six or seven months ago I was standing at the cock in the Hay-market and saw him there. I never invited Hunt to Gill's-hill cottage; it was Thurtell's invitation. I did not say there was no spare bed at the cottage, at the time Thurtell drove Hunt down. I was not surprised at Hunt's going down, though not introduced to Mrs. Probert. I believe Hunt called for pork in Oxford-street, for which he paid 18*d*. I could have borrowed 50*l*. from Mr. Tetsall if I wanted it. I will not be certain what I said when Hunt desired me to take no notice of who were in the gig. Hunt had never been to Gill's-hill cottage before. Mr. Phillimore's Lodge is a mile and a half beyond Elstree. Hunt paid for four or five glasses of brandy and water, and I paid for the corn. There were two or three handkerchiefs, and I burned the mark out of the corner of one of them. I said to Mr. Franklin on the day I was

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apprehended, that I was innocent of the murder. I might have said that Hunt and I were innocent of it. I said that I knew nothing of it till after it was committed. I was convicted before I was sent to Brixton.

Re-examined—I was a prisoner at the time I came before Mr. Franklin.

By the Court.—Mrs. Probert said to me, What have you been doing? you have been counting money; you have been burning papers; you have been dragging something very heavy after you. To which I answered it was only netting. I did not observe whether the windows were open or shut.

The examination of this witness finally closed here.

Mrs. Probert examined by Mr. Gurney.—I remember the night of the 24th of October. I heard the sound of a gig passing the cottage about eight o'clock in the evening. Nearly an hour after there was ringing at the bell, but no person came in after it. About half-past nine, or nearly ten o'clock, my husband came home, and when I came down stairs I found my husband, John Thurtell, and a stranger, in the parlour. My husband introduced the stranger. Without going through all the particulars of the evening, I saw John Thurtell produce a gold watch and curb chain. Thurtell made me a present of the chain. I refused to accept the chain at first; but, after I had spoken to my husband, I consented, and Thurtell put it round my neck. I afterwards gave the chain, and a box, to a constable. Thurtell and Hunt sat up the whole night. When I went up stairs with Miss Noyes, I left John Thurtell, Hunt, and my husband in the room. I did not go to bed immediately, but went on the stairs to listen. I leaned over the banisters of the stairs, and overheard a conversation in a whisper. What I first heard I thought was like their trying on clothes. I heard one of them say, I thought that would fit you, in a low whisper. I also heard a noise, like papers rustling on the table. I heard another noise, like papers burning. After I had listened in this way, I returned to my chamber, and heard two persons go from the parlour to the stable with a light. They led a horse out of the stable, opened the yard-gate, and took it out. Soon after I heard something dragged, apparently very heavy, towards the stable, through the yard. The noise I heard in the dark walk; and I had a view of them when they dragged it out of that walk into another. The walk is opposite my bed-room window; the substance was very heavy; I could see it was in a sack; I could see the two persons dragging the sack half the distance to the pond. After I had lost sight of the persons, I heard a hollow noise, like a heap of stones being thrown into a pit. During the time of the whispering in the parlour, I heard a third voice, which I think was Hunt's; and, if it was his, he said, Let's take a five-pound note each. I heard a voice say, "We'll tell the boy there was a hare thrown upon the cushion. Some one said, We had better be off to town by four or five o'clock in the morning; and then John Thurtell said, we had better not go before eight or nine o'clock. The parlour door was then shut but I heard John Thurtell say, Holding shall be the next. Hunt said, Has Holding got any money? and Thurtell replied, It is not money I want, but revenge; he (Holding) has ruined my friend, and destroyed his peace of mind. I thought Thurtell meant my husband, when he said his friend. I cannot answer that Holding had any thing to do with my husband's bankruptcy. My husband came up to bed about half-past one, or nearly two o'clock. When my husband came up stairs, a conversation took place between us.

By the Court.—Did you tell him in substance and effect what you

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have said here?—[Mrs. Probert became so much alarmed, that she could not answer the question.]

Mr. Gurney—You need not be under any alarm, your husband has been acquitted of this charge.—Mrs. Probert with great emphasis and agitation said, Oh! has he!

Mr. Gurney—Yes, he has; and it is not for the purpose of criminating him that I ask the question.—Oh no; oh! has he!

Did Thurtell and Hunt go away the the next morning in a gig?—They left me in the parlour; I did not see them when they left. Thurtell and his brother Thomas, Hunt and Thomas Noyes, came to the cottage to dine on Sunday. On Monday Thurtell and Hunt came again, as I think, at about half-past nine o'clock in the evening. They staid to supper, and went away again that night.

Cross-examined by Mr. Platt—Did you not know that your husband was freed from the charge, on his giving evidence for the Crown?—I did not.

Have you not been told so?—I do not recollect that I have. In the lane from Radlet to my cottage there are two gates. When passing to the cottage from the lane you enter at one gate, and go through the stable to another, which leads into the garden. The garden-gate forms a part of a high fence, that separates the stable from the garden. My bed-room looks towards that fence. Looking from my bed-room window, I can see no part of the stables, the fence is so high. I could not see any part of the stable door, but I could see a horse come out. It was a very fine moonlight night. There was but one sitting-room, the parlour, the window of which looks into a garden. I think that the short man who was dragging was Hunt. All the conversation that I heard was carried on in whispers; and I am not very certain as to what I heard, nor can I speak positively to the voices of each. I was in my room but a little time; I do not know how long before I went to bed. It was a few minutes after I got up stairs that I saw the horse come from the stable. I heard them go from the parlour, and immediately they appeared in the yard, and brought the horse from the stable. I saw a short man go out of the parlour with a light, another man was in his company, and they both went to the stable. The light I saw in the stable, but I heard no noise. Till the two persons went out to the stable, I heard no one go out of the house. I kept a store of potatoes on the premises; there was a hole made for them, which was covered over. I went into the garden on Saturday, but did not observe any thing in the pond. I did not see it. I do not know that it is so shallow, that the bottom could be seen. I very seldom went there to see the fish. I did not go out on Sunday. I was not out of the house on Sunday or Monday. The dark walk, where I heard them dragging, is as you enter the garden. The wall's are surrounded by shrubs, so that no person can be seen. This walk leads from the stable to the house. I afterwards saw the men, when they had got out of the dark walk into the walk opposite my window. I did not see my husband while I was looking from my window.

Thomas Thurtell examined by Mr. Gurney.—I was at Tetsall's in Conduit-street, on Friday the 24th of October. I and my brother and Hunt dined there. After dinner my brother was absent for some time, and when he came back I rather think he brought with him a sack; I think too that he brought with him a gig. When he brought in the sack he did not make any observation that I recollect; my brother went away that afternoon, but before he went I do not recollect the conversation which passed between us. Hunt and Probert went away together,

in the course of that afternoon: I do not recollect hearing Hunt say any thing to Probert before they left—I do not remember a conversation taking place respecting any pistols, but I saw two large pistols. I asked one of them what they were going to do with them, and I think I heard Hunt say, “Will you be in it.” The next day, Saturday, I saw Hunt; he asked me if I wanted money, at the same time, I think he named £20 or something of that sort. He did not say how he got so much money: I was surprised to see him with so much, but I said nothing about it, he said he had been drawing or netting game. The word Turpin was used; Hunt said—“we are Turpin lads or boys; we Turpin lads can do it.” Hunt said they had been killing game, and Probert held the bag. The word murder was used in joke; Hunt said he had committed murder, or something to that effect, but I considered it was joking. This was not said in answer to any question, but in the course of conversation. I went to Probert’s cottage on the Sunday, and walked as far as Maida-hill, where I was taken up by my brother and Hunt. I observed a new spade in the gig; I rode all the remainder of the way to Probert’s. When we got there, Hunt threw the spade over the fence into the garden: as he was throwing it over the fence, I said you had better take it a little farther to the stable. Hunt said, “I know what I am about,” and also added “I do not wish Mrs. Probert to know about it.

Cross-examined—So you recollect cards being introduced at Gill’s-hill cottage on Sunday night?—I do.

Who was present?—I believe we were all present; but I will not be sure.

Thomas Noyes examined by Mr. Bolland.—I am a wine-merchant at Charing-cross; I know the prisoner John Thurtell and his brother; on Friday, the 24th of October, I dined at the Coach and Horses with them; the prisoner and Probert were there; money was borrowed by Probert for the purpose of paying it over to John Thurtell; the party separated, John Thurtell went away in a gig; it was an iron-grey horse; there was nobody with him; Hunt and Probert went with him; they went in Probert’s gig; saw them again on Saturday morning, at Tetsall’s. I went down to Probert’s cottage on Sunday; I walked part of the way; the two Thurtells and Hunt overtook me. I was met by Thomas Thurtell on the road, we passed Sunday evening at Gill’s-hill; cards were introduced about eight. Probert had gone out. Hunt, John, and Thomas Thurtell, and myself, played. We played at whist, but did not finish the game.—Cannot say whether Probert returned before we finished. Hunt and Thurtell sat up.—I left the cottage at past ten on Monday morning. My sister and John Thurtell were of the party,—it was my unmarried sister.

Miss Anne Noyes called, examined by Mr. Broderick.—I am a sister of Mrs. Probert, I was at Probert’s on Friday evening, the 24th of October last. I remember hearing the noise of the gig pass the gate, and at half-past eight heard the gate bell ring. I soon after saw John Thurtell, Probert, and Hunt enter the parlour. Hunt had a black coat on.—(Here the noise outside the Court was so great that the proceedings were interrupted, and Mr. Justice Park said, that if it again occurred, he would fine the Sheriff £50.)—Probert had on a black hat; I did not see any one with a white hat. I know that Probert had a white hat, which usually hung in the hall—but none of the three had a white hat that evening. They had a little brandy; I heard one of them (Thurtell) propose to go to Nichols’s about a day’s shooting; they went all three; they were away three quarters of an hour; it was about

eleven when they got back; they said Nichols was not at home; they had supper; I did not sup with them. A gold watch which Thurtell had, attracted my notice. He took it out of his watch pocket; it had a gold chain; it was a gold hunting watch; I saw him take the chain off and give it to Mrs. Probert. He proposed that Probert should give it to her, and then went to put it round her neck himself. This is the chain (a gold chain was put into her hand). There was singing that night. Hunt sung; I went to bed soon after; I did not breakfast with them next morning; I saw them go out of the room next morning about half-past nine. On the Sunday morning, Thomas Thurtell and Hunt came together; my brother and John Thurtell came down soon after; I observed a change in his dress. After the change he had a black coat, black waistcoat, and white handkerchief. John Thurtell made a remark upon his dress. He said, "how smart Mr. Hunt was dressed to day." He wore large whiskers. I heard Thurtell use the word "Turpin" to Probert during that day. Thurtell said to Probert "he would not do for a Turpin." There were cards played that evening. I saw a Mr. Heward there. Probert went out that evening. I have seen a knife with Thurtell, which I remarked.—This is the knife, or very like it.—(This knife was found in the lane).—I saw Probert half-past nine that morning; I did not hear Probert get up; I did not hear him say any thing about his hats; I don't know how many hats he had. He had two, I know. He wore a black one, and there was a white one hanging up. The hall is the passage from the door, it leads from the kitchen to the parlour; the place from the kitchen to the parlour I call the hall, the two rooms adjoining: you go from one place directly to another. Probert was out all Saturday morning, he did not wear a white hat. Thurtell had been there a number of times before that night; he never went to bed; he generally slept on the sofa. I have gone to-bed whilst he was there; I left my bed for him; he slept in the spare bed over the parlour. Wood-roof made the bed.

Examined by Mr. Thessiger.—I was present when Hunt was introduced to Mrs. Probert. Probert said something about Hunt's singing. He said Hunt could sing a good song: this was just before he began to sing, and was by way of exciting interest in his singing.

By Mr. Andrews.—I did not say any thing about being turned out of my bed. I said nothing about it, I did not complain.

Charles Totsall, examined by Mr. Bolland.—I keep the Coach and Horses in Conduit-street. Thurtell and Hunt frequented my house from the 21st of October; they were there on the 22nd of October; they dined with me on the 24th; there were four of the party—John and Thomas Thurtell, Hunt, and Probert. I was on that day asked to lend money by Probert; I lent him five pounds, I don't know what he did with it. I did not see it. I did not see them go; cannot say what time they went away from the Coach and Horses.

Cross-examined by Mr. Thessiger.—They lodged with me from the 21st to the 29th, when they were arrested at my house; they were introduced by Probert. He told me they were anxious to keep out of the way.

Re-examined.—Hunt wore very large whiskers. I never saw them off until Monday, the 24th.—they were then off. On Saturday night, the 25th, I cannot say that I saw either of them at my house. I saw both of them on Sunday morning. Thurtell was shaved by a hair-dresser opposite. He had on leather breeches and gaiters, drab waistcoat, with pearl buttons. I never saw him in these clothes before; he went away in a gig on Sunday. Hunt was with him; he was indifferently dressed in black. They went away about half-past ten. I put a piece of beef

into the gig; I saw a shovel in the gig, it was similar to this, it was new. Hunt was shabbily dressed. I did not make a remark to him, but I did to Thurtell.

Cross-examined by Mr. Thessiger.—Probert introduced them to me. Probert swore falsely, if he said he did not introduce them to me; he wanted me to be a bondsman for them.

Examined by Mr. Platt.—I saw Thurtell on the Saturday.

William Rexworthy again called.—I have known William Weare for upwards of sixteen years; he had the reputation of being a person of property; I always considered him such; he generally carried it next his skin; he told me so, and I have seen him put his hand to his left side and take large sums from his flannel waistcoat. I have seen him and the Thurtells together; I saw them three times together before the murder. The last time I met them was the Friday: the first time I saw them, there were three or four of them together. John Thurtell came to my house and asked if Weare was there; I said no, but showed them into another room, and was showing them a new billiard table, when a knock came to the door, and Weare came in. This was about nine o'clock. I saw John Thurtell alone with him the evening before the murder. I did not hear any thing pass between them. When they began to talk I left the room. On Friday morning Weare called upon me at No. 6, Spring Gardens, between one and two o'clock. Weare left me, and I saw him no more that day.

Re-examined by Mr. Bolland.—I know this knife well, it belonged to the man no more.—(It was found in the lane.)

Cross-examined.—There was a particular mark on it, it was chipped by another knife. I once had it fourteen days in my possession. I know the knife by the mark, and its being worn; it is remarkably worn. I have no doubt whatever of it.

The knife was here handed to the Jury.

Examined by the Court.—I saw the legs when the body was taken out of the water, they were naked. When I saw it at the Artichoke laid out, the body was naked; this was after it was taken out of the water.

Mary Maloney, examined by Mr. Broderick.—I was laundress to the late Mr. Weare. He lived at No. 2, Lyon's-inn; I remember Friday, the 24th of October, I went into his rooms in the morning of that day, I saw some of his clothes and linen on the drawers. Mr. Weare put these things in his carpet bag; this is the carpet bag.—(The bag and other things were here produced and identified.)—There were four linen shirts, six pair of socks, a shooting jacket, and leggings, a pair of breeches, a pair of laced-up boots, and a pair of Wellington boots. He had a backgammon board, this is it; these are the things which I recognize; he always had it. I saw Mr. Weare put it in himself. He dined at his chambers, he ate two mutton chops. I did not expect him to sleep in his chambers that night; he said he was going out of town. He dined between one and two. I expected him back on Tuesday morning. I called a hackney coach to him about 3 o'clock at the Spotted Dog, Strand, where there is a stand. It drove round to St. Clement's church, up Holywell street. The horses' heads were towards Charing-cross. He left his chambers a little after three; he had with him a double barrel gun with a case, which I have seen out of the case, and a carpet bag. Weare put the gun into the coach, I put the bag into the coach, there was also a box-coat. Weare had a buff waistcoat and a new olive coloured coat. He had a watch; he pulled it out to see what o'clock it was. I knew the watch, seeing it on his dressing-table. It was a gold watch, it had a gold chain like this.—(The chain was here put into

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witness's hands.)—I knew Weare had a knife—this is it; it was a double-cased watch with a gold face; it was a worked watch: there was also a steel chain to be worn round the neck; the coach drove off in the direction of Charing-cross.—(the witness identified the shooting-jacket and the shirts.)—The shirts were marked, as were the collars and socks.

Thomas Cave.—I drive a hackney-chariot. In October last I drove for Mr. Beckett. I remember in that month taking up a gentleman at Lyon's-inn. I took up no other at Lyon's-inn. I was on the stand opposite Surrey-street: I was called by a young woman; I drew up with my horses' heads towards Charing-cross, a shortish gentleman got in, I cannot say what age he was. A gun and carpet-bag were put in; the gentleman himself put in the gun, and his servant the bag; I cannot fix the day, but I remember when the man was taken up, I drove to Charing-cross, then up to Maddox-street; remained there half an hour, and thence to the corner of Cumberland-street in the New-road. The gentleman got out of the chariot, and was gone five or ten minutes. He did not return alone, there was a tall gentleman with him with a rough coat, they took the things out, the two gentlemen carried them, and paid me my fare. They went down Cumberland-street. I did not hear any thing pass between them, they left me at half-past four. Some of the lamps were lighting. I did not stay long at Lyon's-inn. Witness declined to say what his fare was.

Thomas Wilson examined by Mr. Broderick.—I am one of the horse patrol. I was on the Edgware-road on the 24th of October, I don't know Thurtell. On that evening I met a gentleman in a gig, it was a roan grey horse. Between the five and six mile stone from Tyburn Turnpike I saw them driving furiously, it was half-past six. I did not observe the men, or what was in the gig. I, however, observed the horse, which I pointed out to Mr. Clutterbuck at Probatt's stables, it is a remarkable horse, having a white face.

Cross-examined by Mr. Andrews.—I had light enough to distinguish a roan or grey horse. Before I saw it at Probatt's I described it as a roan grey; the first account I gave of the horse was, that it was a roan grey.

Re-examined.—I observed the gig; it was a dark gig, that is all I can say. I never said it was any particular colour.

By Mr. Andrews.—I generally meet a coach near the Bald-faced Stag; there are two coaches to Elstree about that time. It was more than a week before I saw the horse again. I was shown it in Mr. Probatt's stables. I was ordered there; and I met a man coming with it. They were bringing it for my inspection. I knew the horse was coming to be viewed by me. It was then broad daylight. I never said, I took that for a dark grey, but I find it is a roan. I always said it.

James Shepherd examined by Mr. Broderick.—I am hostler at Mr. Cross's stables.—(Witness looking round to Hunt) I know him. He came to hire a gig on a Friday, and got one. I don't know the day of the month; it was the Friday before I heard of the murder, he got it. It was a green gig. Hunt said he was going to Dartford, the horse had a white face, and was of a roan colour. I saw the horse to-day in town, and it was the same I saw on Friday. Hunt asked me for a sack, and I told him as he was going to Dartford, he would get one over Westminster bridge. He only had the gig of us, the horse he hired of a Mr. Probatt. He came back on the Saturday following, he had no gig on Sunday.

Stephen March examined by Mr. Bolland.—I am hostler to Mr. Probatt, Charing-cross, and was there in October last. I know the prisoner Hunt.—(The witness here, after gazing round the Court, recog-

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nized him in the Dock.)—I heard of the murder three days after giving him the horse. It was a dark roan horse which he bired to go to Dartford. He said he was to be put in a gig, I took it to Cross's stables, where Hunt had hired the gig. He returned it on Saturday, he had a bay horse on the Sunday after, and a gig, and brought it back on the Monday following, about the middle of the day. On that day he said he should want another at half-past three o'clock in the afternoon, and that he would like the roan-coloured horse again and a yellow gig. He got them left, and returned about two o'clock on Tuesday morning. I examined the gig; both gig and horse were very dirty. I observed a little blood in the bottom of the gig, the horse was a good deal distressed, and the whip was a good deal cut down, three parts unravelled.

Benjamin Coxwell examined by Mr. Bolland.—I am shopman to Mr. Ball, pawnbroker, High-street, Mary-la-bonne.—(Witness looking at a case of pistols), I sold a pair in every respect similar to them, on Friday the 24th of October, to two persons quite strangers to me. One of them was dark and the other tall; the pistols were marked £1 17s. and I received £1 15s. for them. They had a key and a mould also with them.

By his Lordship—Would you know the persons if you saw them?—No, my lord. I would not,

John Butler examined by Mr. Broderick.—I am hostler at the Bald-faced Stag, half a mile from Edgware, at the London side; I know Mr. Probert, and saw him there on the Friday night, the 24th, between six and seven o'clock, in his one-horse chaise; he had a bay horse, and stopped a few minutes to bait his horse.

William Clarke, examined by Mr. Bolland.—I was landlord of the White Lion at Edgware, in October; I know John Thurtell, and saw him on that night about thirty yards beyond the nine-mile stone on the Edgware road: he was travelling in a horse and gig, and hearing a voice "Yep, yep!" I considered it was John Thurtell's, and I found it was; he was driving, and a person of short stature was on the other side of him; the horse was white faced; I saw it last night, and it is the same horse. From my house to where I saw him was about a mile. I also met Mr. Probert and Mr. Hunt in a gig with a brown horse. I had some conversation with them after they had some brandy and water. The conversation was about Thurtell. Hunt pulled a newspaper from his left hand side-pocket, and said to me "look at that;" Hunt had certainly at that time very latge whiskers. I saw Mr. Thurtell on the Sunday after walking with Mr. Noyes at the top of Edgware. I remarked to him that he looked poorly, and he said, "Bill, why I do; I can't get bail." I saw them again in custody, and Hunt had then no whiskers on.

David White, a boy about fourteen years old, examined by Mr. Broderick.—My father keeps a corn-dealer's shop in Edgware. I know Mr. Probert by sight; he came to my father's in a chaise, and purchased a peck of oats and beans. He staid about ten minutes.

Stephen Probatt examined by Mr. Broderick.—I keep the White Lion Inn at Charing-cross. Hunt borrowed a horse of my son on Friday, the 24th of last October. I did not know it then, nor till my son told me. On Monday he had another horse, between two and three. The roan grey horse, the same he had on Friday. It came home on Monday night, I saw Hunt on Saturday, and he said he wanted a gig and horse, and produced a £5 note and some sovereigns. I received twenty-five shillings for the horse and gig he had on Friday. A Mr. Reece was in my coffee-room, whom Hunt saw and appeared to know.

By his Lordship.—Do you keep a coffee-room?—Yes, I do, my Lord.

Examination resumed.—Hunt said that Mr. Reece was an opulent man, and that it would do me good to take money from him. Hunt took a pistol from his pocket, and said that it was a fellow to do business with. I cannot swear to the pistol.

Cross-examined by Mr. Andrews.—The horse was a roan colour, he is certainly a horse that is easily distinguished.

By his Lordship.—Was this a horse that if a stage-coach was passing, you would distinguish him from the rest, as a roan coloured horse?—Yes, my lord.

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Robert Field re-called and examined by Mr. BOLLAND—I knew Mr. Probert before October last; he came to my house with another person on the 24th of October, in a one-horse chaise; I did not know that person then, but I do now. At my house they had five glasses of brandy and water in the gig. Probert asked his friend to sing, saying, "Give us a song." He said he could not; "Give us a verse, then," said he. Hunt said he could not. They stopped half an hour or more; my house is about 200 yards from Elstree, on the St. Alban's side. I saw the singing man on Monday with another man, John Thurtell; I saw them at my house about half-past five o'clock; they remained a quarter of an hour walking about and conversing together; in about half an hour or three quarters, the horse was again put to and they went away: I saw Hunt again on the Tuesday following, at half-past three, in a one-horse chaise; he came in the direction of London; I gave him a sack and shirt; they have been in my possession from the time of the inquest.

Cross-examined by Mr. Platt—It wanted eleven minutes to nine, when they were going, by my watch, and I saw they were breaking up early: coaches pass my house frequently.

Richard Bingham was next called, but first

Mary Maloney was re-called, and requested to stand by and attend to this witness.

Richard Bingham examined by Mr. Broderick—I am hostler at the White Lion; about twelve o'clock in the day, two gentlemen came to the White Lion; one had whiskers that came down to his mouth—was of a sallow complexion, and of short stature; he had also high cheek bones; they did not stop long: the short man was about five or six and thirty.

Mary Maloney examined by Mr. Broderick. This description corresponds with that of Mr. Weare.

Richard Bingham's examination resumed—It was a ball-faced horse they had; I have not seen it since to my knowledge: I do live with Mr. Clarke, my master; he came home soon after the gig came up; another gig afterwards came up.

Cross-examined by Mr. Andrews—The first gig could not have gone more than a mile before the other; it was not a dark night.

By his Lordship—At what time did the moon get up that evening?—I can't say, my Lord.

Cross-examination resumed—The men in the first gig did not get out.

James Freeman examined by Mr. Broderick—I am a labourer near Probert's late Cottage. On the 24th of October I went out of my house about eight by my clock to Gill's-hill-lane. A gate leads into Gill's-hill-lane from my house, which is about thirty poles from Mr. Probert's cottage. When I got up the lane, I saw two gentlemen in a gig going from Probert's cottage towards Battler's-green; I heard the gig before I saw it, and it appeared to me to come by Probert's cottage very rapidly; the gig stopped in the lane, and one of the gentlemen got out; I observed the horse, and it had a very white face; I saw it since in the town; it was shown me by Mr. Probert, and I am quite sure it is the same horse. The moon was not up when I saw them; it was a star-light night; the moon was not up till between eight and nine; one of the gentlemen who got out of the gig had on a long light coat. I met my wife, and we went home together.

Cross-examined by Mr. Platt—It was not a yellow gig I saw. I never said it was.

Philip Smith, examined by Mr. Broderick—I am a farmer at Aldenham. I went to see Mr. Charles Nichols at Battler's-green. I left it about ten minutes before eight o'clock in the evening; in passing from that place to High Cross, we go past a lane leading to Gill's-hill-lane. I know the spot where Weare was killed; the distance was about 250 yards: I heard the noise of some wheels, and I heard the report of a gun and groans. I had my wife and children with me; I did not go up because my wife was alarmed.

—Addis examined by Mr. Bolland—I was servant to Mr. Probert in October last. My master had a horse and gig about two months before that time. On Friday night the 24th of October, about a quarter before eight o'clock, I heard a gig by my master's house. I thought it was my master coming home

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and I went out; the gig was going very fast. About nine o'clock there was a ring at the gate-bell. Mr. Thurtell was there when I reached the gate. Ho was standing by a horse and gig when I went to them. I have seen the horse in London: Mr. Probatt showed it me. The horse is of an iron-grey colour. I saw it had come from Battler's Green-road the night Thurtell came. He said he was going to walk down to see if he could meet Mr. Probatt. I took the horse in. John Thurtell desired me not to put up the gig. When he returned I was going to throw the cloth over the horse. I saw a gun in the gig, poking out; it was tucked within the leather of the gig. On Saturday morning I lifted up a carpet bag which was on the ground. I saw a box in the parlour (the one produced is the same). Either Probatt or Thurtell desired me to fetch the box out of the parlour, and put it into the gig. Thurtell had on a light great coat. My master came home on the first night about three quarters of an hour after Thurtell had come. Hunt and my master were in the gig. I saw some spots of blood on John Thurtell's great coat. I saw him wash it with a sponge, on Friday night, in about three quarters of an hour after my master had come home. He went out and fetched the sponge, dipped it in the water, and rubbed it on his coat. I saw my master, Hunt, and John Thurtell together. My master came to the stable-door and asked for a lantern, which I gave to him. They all three went out of the gate together with the lantern, in the direction of Mr. Nicholl's. They were out about three-quarters of an hour. When they returned I heard my master tell Susan to put the pork-chops on. I then went into the stable, and Thurtell and Hunt came to me. I think Thurtell was sponging his coat. They went into the house, and I went into the kitchen. I saw my master, who came out for a bottle of rum, which he kept in the kitchen. I saw Thurtell have a watch in his hand, and I heard Mrs. Probatt say, it was awkward to have a watch without a chain; to which he replied, it was. I went to bed at twelve. On Saturday morning, when I got up, I cleaned the horses and fed the cows. I saw Hunt and Thurtell in the kitchen about five o'clock. Hunt was then sponging Thurtell's coat all over. I cleaned their boots; they were very dirty. My master seemed in low spirits, and walked about the yard. Hunt was dressed in a dark-coloured coat. I was sent on a message to Mr. Nichols on the Sunday. I went down to Gill's-hill-lane. When I examined the place, there seemed to be a great deal of blood on the ground. On Monday morning I went to London with Mr. Thomas Thurtell. Hunt took me to Tetsall's. I had nothing to do in London.

Susan Woodroffe was then sworn, and being examined by Mr. Broderick, said, I was servant to Mr. Probatt. I remember, on the evening of the 24th of Oct. two gentlemen coming to our house. I saw Mr. Thurtell, who was one of them, in the course of the night, take a watch chain out of his pocket and give it to Mrs. Probatt. I had orders to get supper. I afterwards received orders not to dress it so soon. They were going out, they said. I delayed the supper. After they came home they had it. I got up at six in the morning, and met Hunt and Thurtell coming up the steps out of the garden, with boots and shoes very dirty. I went afterwards into the parlour. Thurtell was then on the sofa. He had a white hat on. It was my master's hat. I saw a bag in the parlour. I saw them going off on the Sunday morning with black hats on. I again saw them on Monday morning. I saw a sack in the chaise-house on Tuesday morning. It was very wet.

John Harrington sworn, and examined by Mr. Bolland, said, I am a labourer near Gill's-hill-lane, and saw two gentlemen coming forward, about ten minutes after six o'clock, while I was at work in the lane; the gentleman opposite (Thurtell) was one of them; he wore a white hat; the other had black whiskers: they passed me and went forward ten poles; they seemed to look for something; they went farther, and returning, the large gentleman with the white hat spoke to my fellow labourer, and said he was capsized out of his gig last night, and lost his penknife and handkerchief: my partner said nothing to them that I heard: I went up the lane after, and found a knife, which I afterwards gave to Mr. Nichols; that (the knife was produced) is it; it was all bloody; I found it in the cart-rut; I wiped some of the blood off before I gave it to Nichols; one of the blades was broken; I saw some blood about the place. About eleven o'clock the same day the same persons passed me in a gig going towards the road; they

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were the same I saw in the morning: I saw Mr. Probert about twelve o'clock; I now know him; he spoke to me: I never saw any of these persons before that day.

Richard Hunt examined by Mr. Broderick—I was at work with the last witness, and saw the men in question. (Here the witness identified the prisoners.) I entered into conversation with one of them, who told me he was capsized out of his gig. This man corroborated the evidence of the preceding witness in all the material points.

William Bulmer examined by Mr. Bolland—I remember the morning after the murder. I saw two men in Probert's garden, one of whom wore a white hat.

Charles Nichols examined—I know Mr. Probert. Neither he nor any of his friends visited my house on the day of the murder: a man delivered a knife and pistol to me; they were both bloody; I handed them over to another person.

John Pitcock described the state of the body after it was found; it had a shawl round the neck when brought to the Artichoke public-house. Witness first saw the body at the Artichoke when it was taken out of a sack; witness is a surgeon, practising at Watford; witness gave the shawl to Simmons, the officer.

John Fleet examined—I am assistant to Mr. Johnson, the messenger. I was at the Cock public-house, in the Haymarket, on the 24th October; the prisoner Hunt came there in a gig; he gave me a note, which I afterwards destroyed; John Thurtell slept at No. 20: the purport of the note was for me to deliver to Hunt a shawl and great coat, belonging to John Thurtell.

Cross-examined—I don't know the hand-writing of the note. It was signed "John Thurtell."

Caroline Williams, a servant-maid at the Cock, stated, that Thurtell had a shawl similar to that now produced.

Lucy Slater stated also that she had seen him wear a shawl of that kind.

William Marshall, a gun-maker, identified the gun, and stated that he had received it to repair from the late Mr. Weare.

W. Blakesly examined—I lodged in October last in King-street, Golden-square. Hunt and his wife lodged there then; Hunt came home on the 25th of October in a gig, and brought with him a carpet bag, out of which he took several things, among others a dressing-case, and some coats: it was one o'clock in the morning when he came home.

Upson, the officer, deposed, that he took the prisoners from London to Watford. Had made no promise, nor used any threat to Hunt. Thurtell told him he had thrown a watch away over some paling into the grass.

Cross-examined—Hunt gave an order to have the things which were at his lodgings given up: that was after he was apprehended.

Forster, an officer of St. Albans, proved a conversation he had with Thurtell after he was apprehended. Thurtell said Hunt was a rascal for nosing him so; he would not have served him so, particularly as he had been offered 25*l.* for a watch which he offered in his name, and which was worth 60*l.*

Thomas Thurtell was then called. but not being in the way,

Mr. Justice Park said that he would take that opportunity of adjourning the Court, it being then ten o'clock.

The Court then adjourned to nine o'clock the next morning.

SECOND DAY.

Ruthven re-examined by Mr. BOLLAND—I know Conduit-street. It is in the parish of St. George, Hanover-square. Conduit-street and Whitcomb-street are both in the county of Middlesex. I had Probert in charge on the Tuesday before the inquest at Mr. Nicholson's house. He was not in my care at Mr. Field's while the inquest was sitting. At one time, while he was at Mr. Field's, he expressed a desire to have a letter conveyed to the Magistrates or the Coroner. I told the Coroner what I understood to be his wish, and the Coroner desired me to ask if he wished to see him (the Coroner.) Probert said, "I have no objection." I said it was as he (Probert) pleased. Probert then said, "I should like to see him." He was not taken to the Coroner, but the Coroner and the Magistrates came to a separate room to him. Before that time he had denied all knowledge of the murder.

Thomas Thurtell re-examined by Mr. PLATT—I saw Hunt on the day after the murder. I also saw him on Thursday. He had a suit of black on, on Friday. I don't know whose clothes they were. He was dressed in the same manner on Saturday. I knew that he sometimes wore clothes belonging to my brother. Hunt was badly off in the world. He occasionally borrowed clothes of my brother, and money of me. Whose clothes he wore on Friday and Saturday I cannot tell. I saw Hunt on the Sunday at Probert's. After dinner Hunt was better dressed than I had seen him before.

The case here closed on the part of the prosecution.

Mr. Justice PARK—John Thurtell, the time is now come when it is your duty to make your defence, if you have any.

Thurtell bowed, and afterwards remained in close conversation with his Solicitor for a few minutes.

Mr. Justice PARK—Does John Thurtell wish to say any thing in his own behalf.

The Solicitor said—My Lord, he wishes his witnesses to be examined before he addresses the Court.

Mr. Justice PARK—I cannot allow that; I must keep to the rules of the Court. If I were to suffer that to be done, I should have the Counsel applying to have their witnesses examined before they had made their speeches.

Thurtell, having taken some minutes to arrange his papers, bowed with great dignity to the Court and Jury, and addressed them nearly in the following language:—May it please you, my Lord, and Gentlemen of the Jury, Under greater difficulties than perhaps has ever fallen to the lot of man to bear, do I rise to vindicate my character and preserve my liberty. I have suffered much during the progress of this long trial, but I have supported myself under the pressure of my misfortunes by the conviction that my cause was laid before an enlightened tribunal, and that I was to be tried by the best institution of my country—a Jury uninfluenced by prejudice, and unawed by authority. I have been represented by the Press, which dispenses its benefits or curses throughout the kingdom on the most rapid wings, as being more depraved and habitually cruel, than any other man who has appeared in modern times. I have been held up to the world as a monster of greater atrocity than it has ever fallen to the lot of man to have seen or heard of before. I have been stigmatized as being a kindless, heartless, prayerless, and determined villain; one who would seduce his friend into the quietness of retirement, secretly to murder him; as a snake silently creeping into his bosom, to strike with more certainty; as a man addicted to vices and crimes at which the hardest heart recoils, and as a monster, who having perpetrated acts of the greatest inhumanity, washed away the remembrance of his guilt in riot and debauchery. You, Gentlemen, have heard or read of me as a wretch, addicted to such crimes as would require more than the ordinary feelings of our nature to divest yourselves of the indignation and prejudice which such details cannot fail of exciting in a virtuous heart; but I am satisfied that, so far as it is possible, you come prepared with unbiassed minds, and judgments

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unimpaired, to assume the sacred functions of your office. I am convinced that such is the character of those who are invested with the sacred office of Judge upon the life or death of the man who now addresses them. Guilt, such as is imputed to me, is of too deep a dye to result from a sudden impulse of passion, but must spring from a profligate disposition, growing with the growth, and strengthening with the strength. Gentlemen, you will hear from respectable witnesses, whose testimony cannot be doubted, that there was a time when this heart was animated by the most kindly feelings of affection, gratitude, friendship, and improvident generosity; and yet at this moment I stand accused before you with having, under the mask of benevolence, harboured a spirit of fiercer malignity than even demons possess. But, oh! beware of entertaining an anticipated verdict, for I am not that villain which the vile slanders against my life, my honour, and my name, would make me appear; and believe not that a few short years could so change my nature. Gentlemen, I entered life under circumstances the most auspicious, and with the most flattering hopes. I had a kind, affectionate, and a pious mother; one who was well calculated to guide my rising years, and who directed my first tender accents of prayers, as I believe yours were directed, and as I know those were of him who now presides as my Judge on this solemn and awful occasion. My father too was eminent for his piety, his kindness, and charity, and was beloved in the sphere in which it might be said he had influence, for his many virtues. On leaving my father's roof, I entered into the service of his late Majesty, who was most emphatically called the "father of his people." For years I held his commission; for years I served under his colours, and never disgraced the one, nor tarnished the other. In the course of service I have fought; aye, and bled for my country. I never feared in raising my arm in the field of battle against her open enemies; but to raise up the assassin's hand against a valued friend was the act of a horrid monster, and is inconsistent with the honourable character of a British soldier, which I have ever respected and never disgraced. Among other charges against me, it has been said, I am a sporting character. Alas! I confess that it was so; but it is now three years since I was in the inside of a gambling-house, attended a fight, been present at a horse-race, or any other sporting exhibition; but if it were true, I have yet to learn, that, therefore, I am to be declared without the pale of society, and capable of committing any crime. Gambling, I say, is not a crime; it is sanctioned by the example of half the nobility in the kingdom, whom, and not excepting many of the most enlightened statesmen, I could adduce as my apologists. Gentlemen—I have been a gambler it is true, and that I have been an unfortunate one, too, is equally true; but who is there that can accuse me of bringing ruin upon any family? My gambling indiscretions have only brought misfortunes on my own family. Myself alone it is, who is ruined and undone by them. I feel all the disadvantages under which I address you, and have it not in my power to obviate many of the calumnies which have been circulated against me. I can only caution you, Gentlemen, to guard your hearts against false impressions, and remember, that we have it from the highest authorities, that the heart is deceitful above all things. Beware, then, I say, of an anticipated verdict. One of the sages of antiquity has wisely and truly said, that we do not become wicked all at once, but that wickedness is progressive—and here, my Lord and Gentlemen of the Jury, you will pardon me for occupying your time, by giving you a short detail of the history of my life, from the period of my leaving the army. On calling the circumstances to my mind, it is not strange that my bosom should heave, and the tear start from my eye; for if I were to dip my pencil into the lines of HEAVEN, I could never depict the feelings which now oppress me. What heart can be strong enough to resist the impression I now feel at being charged—groundlessly charged—with the murder of my own friend. Recollect, Gentlemen, my mind has been ill at ease for many weeks. I have sustained many injuries from those I thought incapable of deceiving me; but I have long since forgiven them—revenge is a passion of which my heart was not susceptible. The close of the last war, which shed a brighter lustre than ever had before shone on the glories of this nation, cast a shade on my pros-

perity. When I ceased to be as actively employed in military pursuits, I determined, unfortunately, on entering into the commercial world. Unfortunately, I say, because my past habits had unfitted me for it. I may venture to say, that my commercial pursuits were marked with the same generosity of feeling, with the same warmth of heart, and openness of disposition, which I had been distinguished for in my military career. I considered my commercial business as that of a military mess, and those with whom I dealt in trade as regimental comrades. I thus laid myself open to the unfortunate and the avaricious, and was exposed to the tricks of the one, and my heart and purse made open to the necessities of the other. My fortune, however ample it had been, was unable to bear this double attack, and I became a bankrupt. My solicitor, who had long been my familiar friend, soon ranked himself among the number of my enemies, and combined with my principal creditor to effect my ruin; but, alas! how soon does one over-reaching creditor over-run and defeat the intentions of all the others, and, ultimately, even his own.—The assignee of my estate was Mr. ———, and I obtained the signature of most of my creditors to consent to my procuring a *supersedeas* of the commission issued against me. I then flattered myself that my winter of misfortune was passing away, and that my blossoms were beginning to ripen—a chilling blast withered them all. My assignee demanded a bonus of £300 for his signature; and in this request he was backed by his solicitor, who was also mine. I was reduced to beggary by spurning the offer, and I was then cast upon the world, the dupe of many, despised and deserted by all. I was thus prevented from retrieving my fortune, with the heartfelt knowledge that my misfortunes were not dishonourable to myself. My brother, Thomas Thurtell, afterwards engaged in the silk business, in London, in which he availed himself of my information. His warehouse having been accidentally destroyed by fire, which was fully proved by the decision of a Jury in that Court in which the Learned Judge I am now addressing presided, I was represented as having been engaged in clandestinely removing a part of the property which was proved to have been destroyed by the fire, before a jury of my country; and a most perfect corroboration of that proof will be again given on the trial which is to take place for the alleged conspiracy. The great mover in this business is my inveterate enemy, Barber Beaumont. But where, Gentlemen, does this conspiracy exist? where, but in the acts of the prosecutor himself, who has suborned witnesses, and paid them to give false evidence. This pretended corrector of abuses—this pretended assertor of liberty, did not hesitate to hoist the standard of rebellion in the front of the palace of his Sovereign. This person is one of those detestable beings, who has head enough to contrive any crime, but not heart enough to feel for its consequences. Borne down, as I am, by falsehood and prejudice, it is impossible for me not to feel, and, my Lord, I have probably been betrayed into some unguarded expressions—

“ But the flesh will quiver where the pincers tear,

“ And the blood flow where the knife is driven.”

Among the other calumnies that have been published against me by the Press, you have been told that a person of the name of Woods had been inveigled into my house in Manchester-buildings, where it is said it was supposed I intended to murder him; but I shall be able to prove, by a number of respectable witnesses, that at the time it was said I was seen in the passage with that person, I was at Norwich. I could say more on this subject; but I refrain from doing so, on account of an amiable female, whose best interests command my silence. Where, Gentlemen, did it ever fall to the lot of a British subject to be oppressed with such calumnies as I am now? When I reflect under how oppressive a weight of calumny and oppression I appear before my peers, on whose words my life hangs, I can scarcely bear up against the fatality which seems to have attended my footsteps. Relying on my innocence of the horrid charge of which I am accused, I can say but little more, than to entreat you not to prejudge my case, as by so doing you prejudge my life. The Press, whose noblest duty it is to advocate public liberty—that should be the avenger of public wrongs—that should be the detector of falsehood, the dissipator of idle reports, has little heeded the

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respect which that great bulwark of our rights, the Trial by Jury, demands at their hands. They have gratified the love of scandal, and whetted the appetite, by one series of calumnies more atrocious than another. What in other cases reflects honour, and is taken as a presumption in behalf of innocence, is made use of, in my case, to add a deeper dye to my supposed guilt. You have been told that I, when in his Majesty's service, and on the field of battle, after the conflict was over, plunged, in cold blood, the cowardly steel into a wounded, yielding, and unoffending foe.—[The prisoner was here so much affected, that he turned from the Court and shed tears. Some minutes elapsed before there was the least symptom of his recovering; the Judge directed him to sit down till his feelings were more composed. When he recovered he proceeded on in the same firm tone as before.]—And that (he continued) I then sat down to plunder my unfortunate victim; and it is even said that with a folly equal to the atrocity of the crime, I boasted of the barbarous and infamous exploit! Is there a British soldier—or a man whose heart does not revolt at this detestable calumny? Far better would it have been for me if I had not seen this day. I would to Heaven I had fallen honourably with my companions, when “turning with patriot arm the tide of battle,” than have been branded with such infamy and falsehood, for then my father and family would have blessed my memory, while mourning my loss, and not have to blush at their connection with a being to whom a crime so horrid could for a single moment be imputed. Before I proceed to read the remarks on the evidence which has been given against me, I consider myself called upon to express my sincere and heartfelt thanks to the Magistrates and the High Sheriff of the County for the attention they have paid me since I have been in confinement; and I deeply deplore that any misunderstanding should have taken place between the Rev. Mr. Lloyd and my Solicitor, and which I trust is now forgotten, and the bonds of amity again ratified. To the Rev. Mr. Franklin, the Chaplain of the Gaol, I should be wanting in gratitude if I were not to acknowledge that his assiduous attention to my spiritual welfare has inspired me with an awful sense of religion; and I may truly say, has trebly armed me with fortitude and firmness to meet this hour of trial;—and though last, not least in my affection, I beg to mention Mr. Wilson, the Governor of the Gaol, whose fatherly conduct and attention to me I shall never forget; his friendly assistance I shall ever hold in my memory, and ever entertain a grateful sense of his goodness; my heart, indeed, must cease to be animated by vital warmth when it fails to beat for the happiness of him and his family.

At the conclusion of this address he was powerfully affected by the overflow of his feelings. He turned aside for some minutes, and after taking a glass of water which was handed to him by Mr. Wilson, he resumed his defence by making the following remarks on the evidence:—I will now, Gentlemen, call your attention to the evidence in this case, which you will remark, instead of being clear, consistent, and irresistible, is so far unlike the evidence usually adduced in support of so awful a charge, that it is contradictory, inconsistent, and derived from the mouths of those persons who have been willing to save their own lives by any sort of falsehood or injustice towards others. The first witness was Leeson. He has told you that there were several roads to Probert's cottage, so that the inference from the gig being seen with the head from Battler's Green is done away with. He also says that he was out to search for the body, and that those who had been endeavouring to find it were utterly at a loss till they were told where it was by Hunt. Hunt could inform them where the body was;—and why could he do so, but because he had deposited it there himself? Leeson likewise told you that one person could not have thrown the body into the pond where it was found. Now what proof, I ask you, is there that the body ever was, as has been alleged, in Probert's pond? None but the evidence of Probert. I shall lay before you at a proper time, what appears to me to be the probabilities of the case. There was also, Leeson tells you, a large pond near the small one in which the body was found. Who could have chosen the smaller pond, but a person well acquainted with the country?—Who could have known that the larger pond was sometimes dry,

and the small one not? Who but Probert himself? It appeared in answer to a judicious question of the Learned Judge, that both the sacks in which the body was enveloped, and the cord with which it was tied, were bought by Hunt. I pass over the evidence of Field and Upson, as immaterial. The next evidence is that of Rexworthy. That man you must recollect, is, from his own statement, a gambler, and a supporter of gamblers; but his evidence, if worthy of any thing, has no fact that is material against me. The next witness was Ruthven, who produces some of those articles of mine. It is said that the shirt and cravat were marked with blood in the same manner they would have been had a murder been committed. The shirt my brother pulled off the same morning, and the cravat also was his. It was a white cravat. I have never worn one for several years. The officer says there was another person in the same room with me. Was it prudent? Was it common caution to have a stranger in the same room with me? What does this witness say in his cross-examination by Mr. Hunt's Counsel? That the officers had to break open his house. Mr. Simmons produced among other articles the shawl and handkerchief. Probert and Hunt purchased the sack on their way to Gill's hill Cottage the night of the murder. I now come to the evidence given by the only man whose testimony points directly at me. He says that I committed the act. Both his answers when cross-questioned, very satisfactorily prove that he was the murderer. According to his account, he introduces a man just hot from slaughter to his wife. With respect to the body, what does he say? It was taken to his own pond. Who took it there? The witness himself. He says his family consists of eight persons, and yet he invites two persons to his house without being able to accommodate them. Who took me to Tetsall's? Probert.—What did he say before the Coroner and Magistrates? He gives a very different account of £10 here. The different statements of Hunt and Probert are very extraordinary. These are the men who have run a race, and put up their evidence to auction, hoping to find a bidder that would go the length of their consciences.

The witness (Probert) said that I declared Weare had robbed me of several hundreds. Could I be so foolish as to make this declaration? Before the fatal day Hunt was never at their cottage before. It was agreed between Hunt and Probert that they should commit the murder. Look at their evidence at this place! Is it creditable indeed that Probert would allow a stranger to go down to his cottage without being able to accommodate him there? Yet Probert allowed Hunt to go down in his own gig, to pay for a quantity of pork, and to borrow 20s. of him. Is not this account of a man acting in a very extraordinary manner? Hunt and Probert had arranged to meet Weare at the fatal spot, and I believe I was also to be their victim. Well had they prepared themselves for this bloody business, from the quantity of brandy and water they had drank on the road. Mr. Probert had agreed to see us without sufficient accommodation. Why he did so was plain enough. But there was no spare bed, nor any bed, without depriving Miss Noyes of her's. We could not sleep anywhere else than in the parlour; and as to the particulars of the business, and with regard to Mrs. Probert's going out of bed, I make no observations. If I had meditated a murder, was it possible that I should trust matters of so much importance to Probert. This man, in his evidence, says that I told him that I would murder Mr. Barber Beaumont and Mr. Woods. Is it likely I should have communicated this, had I really intended it, being on the eve of marriage to Mrs. Probert's sister? He says, that when he and Hunt went for the body, they took it to Wardel's-lane; that they dragged it down to the pond behind the house. Mrs. Probert says that we took the body into the stable, and through the dark walk; that we had no lantern, and it was a fine moonlight night. You will observe that the garden is on one side of the house, and the stable on the other, and that, therefore, Mrs. Probert's evidence contradicts itself. You have been told that Probert did not leave his bed till nine o'clock; but in this he was contradicted by the boy. The clothes which have been produced in court are traced to Hunt—I mean particularly the black coat, which was seen on him on Friday night. I shall not disgust you with any more remarks upon the evidence of Probert.

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You will receive with great caution such evidence. He admits that he did not intend to come forward to swear against me until he heard that Hunt had confessed, and it was then a sort of strife to see which should first receive the mercy of the Crown. And, Gentlemen, I ask you to say, whether the evidence which he gave here was not full of prevarication and contradictions? Upon his examination in chief, he said that he did not come down stairs on Saturday till after nine o'clock; but yesterday he said it was only eight o'clock; this day, on the other hand, he says it was only seven. The appearance which he made upon his cross-examination by Mr. Andrews would place his character in its proper light. It appeared that he had been committed six or seven times by the Commissioners of Bankrupts; and you will not fail to observe, that it was he who first introduced Hunt to me, with what intention was too manifest. I shall not take up your time with any remarks upon the disgusting artifice and affectation of Mrs. Probert; you yourselves could not fail to observe it. Neither shall I call your attention to the circumstance of her receiving and keeping the gold chain which I gave her, and her asking Hunt to sing after she had been made acquainted with all the circumstances. But I must be permitted to call your attention to the many and important contradictions which occurred between her and her husband. In the first place, she said that when she saw the dragging of the body from the window, she saw two men enter at the gate soon afterwards. Now, according to her statement, the body must have been there at the time; but the husband says that the horse was taken out for the purpose of fetching away the body, and this at the opposite side of the pond from what she states. She also details a long conversation in whispers, while she was standing on the stairs, and which she heard through a door that was shut. And observe what follows. Probert and his wife differ as to the time this conversation took place. One says it was after the dragging—but Probert says, that after the affair of the pond, he went to bed. It is clear, therefore, this whispering was a scheme agreed upon between Probert and his wife. I know nothing of the circumstances, but I most firmly believe that the body never was in the pond. There is the greatest contradiction between the witnesses on that point. It is impossible that Mrs. Probert can be correct from the accounts which she gives of the yard and side of the pond, but I cannot judge from her statement which side she means. In a plan of the place published in one of the newspapers, I should judge it to be on the opposite side to that from which she saw it. The next material evidence was that which was elicited from the witness Probert.

Mr. Justice PARK—You mean Probert, I suppose?

Thurtell—Yes, my Lord, the horse-keeper. It is the horse-keeper; the name is the same, though they have altered the spelling of it. I say, Gentlemen, that by the evidence of Probert, it appears that Hunt hired the horse and gig. Field said that Hunt took the shawl which was afterwards found about the deceased, and that he was furnished with a sovereign to pay his expenses. I would next call your most serious attention to the evidence of Clarke, the landlord of the White Lion at Edgware; he stated that he was returning home at night, and that he met two persons in a gig on the wrong side of the road. That a coach passing by at the moment, he was enabled, by the light of the lamp, to distinguish my person. But does not your experience, Gentlemen, prove that this is utterly false? Is it possible that a man in a gig, on a very dark night, should recognise two persons driving in a gig against him, and that by the lamps of a coach, which it is well known would have the effect rather of confusing than assisting him? And as to what he says of recognizing me at the other side of the road, is beyond all belief. We all know, Gentlemen, that when a witness tries to prove too much, he fails in every part. The demeanor of this witness (Clarke) too, whilst under examination, and the whole course of his preceding life, shows him to be a man upon whom no reliance is to be placed. Gentlemen, you have not yet heard what the character of this person is, but I will tell you. He is a person of the worst character, and no one would believe him on his oath. The next topic to which I call your attention, is the evidence of the hackney-

coachman. This witness says that he set Mr. Weare down at a quarter past four, and that positively he left the coach at half-past, accompanied by another gentleman in a light rough coat, who took away part of his luggage. But do not all the witnesses say, that I did not leave Tetsall's till five, and therefore, if this evidence be true, it must have been somebody else who was at the coach with the deceased? At all events, it was no evidence to identity, although it formed part of the conspiracy against me; but I dare say, if the witness had been permitted to see me, and had been asked "if that is the mau," he would say without hesitation "it is." The witness Freeman says it was not a yellow gig, and that he had never said it was before the magistrates, although I know he did. The ostler at Clarke's says the night was so dark, that it was impossible to recognise anything.

Mr. Justice PARK here interrupted the prisoner, as he said he was stating that which was not true to the Jury. He had looked into the depositions which Freeman had made, and he could not find that he had said it was a yellow gig.

Thurtell—The impression upon my mind was that he had said so. Gentlemen, I am now come to the evidence of Field and Clarke. From the hour which they give of Hunt and Probert's gig passing, it is not impossible, but that they had time enough to be at the spot, and have perpetrated the horrid deed, and it is quite in character with them, after having done so, to throw it on other people's shoulders. But will you believe the story of Probert, that he set down his friend Hunt, who had been there for the first time, in a lane, on a dark night, and half a mile from his house, without inquiring what his reasons were for being set down there? If he had not a knowledge of the murder, could he have been so insensible to this?—I am satisfied you will not; and this upsets Probert's evidence, which puts an end to the charge against me. I am now come to the evidence of Clarke's servant. He says that two gentlemen came there at nine o'clock, and though it was quite dark, he undertakes to swear to me, and the laundry-maid is called to confirm him. But was there no other witness to speak to the arrival of the gig? This business had been a great deal talked of, and why did not this witness come forward at the Coroner's inquest? I am persuaded that neither of these persons could have seen me. With regard to the evidence of the witness who sold the pistols, I am satisfied that you must feel that evidence can never convict me. As to the conversation which took place between Upson, Forster, and me, it is true that something of the sort took place, though they have mistaken the purport and nature of it. I am sure that the purport and meaning of what I did say was this, "that I thought Hunt was a scoundrel, and that if I were in the same situation I should never betray my companions." With respect to the watch, the evidence is sufficiently circumstantial, but why do they not produce it? I ought to rejoice at all these circumstances upon which the prosecutors seem to rely, because, if they are viewed with fairness and impartiality, they furnish the best evidence of my innocence. But this is the evidence upon which you are called to convict me of having perpetrated this dreadful crime. But circumstantial evidence at all times has been considered a fallacious guide to human judgment. In our own country, as well as in foreign countries, instances without number occur where persons have been convicted of the most dreadful crimes upon circumstantial evidence, whose innocence was established beyond doubt after the trial. One of these was a charge of a parent for the murder of a child, and the other a servant girl for a supposed theft; of both of which the evidence was clearly proved. These, and other instances to which I will refer you, show how fallacious a guide circumstantial evidence is to human judgment, and with what caution juries ought to receive such evidence. In Hale's Pleas of the Crown, vol. ii. page 289, it was laid down that there could be no inquest for murder or manslaughter, unless where the body had been found dead. The application of that doctrine is explained by the following case, which occurred in Staffordshire. *A* had been long missing, and *B* was suspected of having murdered him, and reduced his body to ashes in the oven, as it could not be any where found. *B*. was indicted upon the charge, convicted, and executed; but in the year

afterwards *A.* returned, having been sent beyond the seas against his will by *B.* so that though he deserved death for that offence, he was not guilty of the crime of murder. There was also another case, in Warwickshire, to the same purpose. An uncle was charged with the murder of his niece, to whom he was heir at law. He had convicted her of some trifling offence, for which he beat her, and the child was heard to cry out "Oh, uncle, don't murder me." The child then disappeared, and was not again heard of. The uncle was then charged with murder, and the justices of assize admonished him to find the child before the next assizes, or he must take the consequences. The identical child was not produced, but one very similar to her, and upon the presumption derived from her absence, the uncle was found guilty of murder and executed. But in some time afterwards the truth was disclosed. The fact was, that the child, alarmed at the threats of her uncle, ran away from home, and took refuge with a stranger, who, when she was of age produced her and claimed her property, which she obtained. I will now, gentlemen, refer to two or three other cases from the *Percy Anecdotes*, in which the same unjust results are shown to have arisen from hasty decisions upon circumstantial evidence. It is the number of that work headed "Justice," and addressed to the Right Hon. Lord Eldon.

1.—"A gentleman having been revelling abroad, was returning home late at night; but overcome with wine, he fell down in the street, and lay there in a state of insensibility. Soon after, two persons, who were passing, having quarrelled, one of them observing that the drunkard had a sword by his side, snatched it away, and with it ran his adversary through the body. Leaving the instrument sticking in his wound, he ran off as fast as he could. When the watchman of the night came in the course of his rounds to the scene of this tragedy, and saw one man lying dead, with a sword in his body, and another lying near him in a state of drunkenness, with his scabbard empty, he had no doubt whatever that the crime and the offender were both before him; and seizing the drunkard, conveyed him to prison.

"Next morning he was examined before a magistrate; and being unable to remove the strong presumption which circumstances established against him, he was committed for trial. When tried, he was found guilty; and immediately executed for the murder, of which he was perfectly innocent.

"The real criminal was some time after condemned to death for another offence; and in his last moments confessed how he had made use of the reveller's sword to execute his own private wrongs.

2.—"In the reign of Queen Elizabeth, a person was arraigned before Sir James Dyer, Lord Chief Justice of the Common Pleas, upon an indictment for the murder of a man who dwelt in the same parish with the prisoner.

"The first witness against him deposed, that on a certain day, mentioned by the witness, in the morning, as he was going through a close, which he particularly described, at some distance from the path, he saw a person lying dead, and that two wounds appeared in his breast, and his shirt and clothes were much stained with blood; that the wounds appeared to the witness to have been made by the puncture of a fork or some such instrument, and looking about, he discovered a fork lying near the corpse, which he took up, and observed it to be marked with the initials of the prisoner's name; here the witness produced the fork in court, which the prisoner owned to be his.

"The prisoner waived asking the witness any questions.

"A second witness deposed, that on the morning of the day on which the deceased was killed, the witness had risen very early with an intention of going to a neighbouring market town, which he mentioned; that as he was standing in the entry of his own dwelling-house, the street door being open, he saw the prisoner come by, dressed in a suit of clothes, the colour and fashion of which he described; that he (the witness) was prevented from going to market, and that afterwards the first witness brought notice to the town of the death and wounds of the deceased, and of the prisoner's fork being found near the corpse; that upon this report the prisoner was apprehended, and carried before a justice of the peace; that he, this witness, followed the prisoner to the justice's house, and attended his examination,

during which he observed the exchange of clothes the prisoner had made since the time he had seen him in the morning; that on the witness charging him with having changed his clothes, he gave several shuffling answers, and would have denied it; that upon witness mentioning this circumstance of change of dress, the justice granted a warrant to search the prisoner's house for the clothes described by the witness as having been put off since the morning; that this witness attended and assisted at the search; that after a nice search of two hours and upwards, the very clothes the witness had described were discovered concealed in a straw bed. He then produced the bloody clothes in court, which the prisoner owned to be his clothes, and to have been thrust in the straw bed with the intention to conceal them on the account of their being bloody.

"The prisoner also waived asking this second witness any questions.

"A third witness deposed to his having heard the prisoner deliver certain menaces against the deceased, whence the prosecutor intended to infer a proof of *malice prepense*. In answer to this the prisoner proposed certain questions to the court, leading to a discovery of the occasion of the menacing expressions deposed to; and from the witness's answers to those questions, it appeared that the deceased had first menaced the prisoner.

"The prisoner being called upon for his defence, addressed the following narration to the court, as containing all he knew concerning the manner and circumstances of the death of the deceased:—'He rented a close in the same parish with the deceased, and another close adjoining to it; the only way to his own close was through that of the deceased; and on the day the murder in the indictment was said to have been committed, he rose early in the morning, in order to go to work in his close, with his fork in his hand, and passing through the deceased's ground, he observed a man at some distance from the path, lying down as if dead or drunk; he thought himself bound to see what condition the person was in; and on getting up to him, he found him at the last extremity, with two wounds in his breast, from which much blood had issued. In order to relieve him, he raised him up, and with great difficulty set him on his lap; he told the deceased he was greatly concerned at his unhappy fate, and the more so as there appeared reason to think he had been murdered. He entreated the deceased to discover, if possible, who it was, assuring him he would do his best endeavours to bring him to justice. The deceased seemed to be sensible of what he said, and in the midst of his agonies attempted to speak to him, but was seized with a rattling in his throat, gave a hard struggle, then a dreadful groan, and vomiting a deal of blood, some of which fell on his (the prisoner's) clothes, he expired in his arms. The shock he felt on account of this accident was not to be expressed, and the rather as it was well known that there had been a difference between the deceased and himself, on which account he might possibly be suspected of the murder. He therefore thought it advisable to leave the deceased in the condition he was, and take no further notice of the matter; in the confusion he was in when he left the place, he took the deceased's fork away instead of his own, which was by the side of the corpse. Being obliged to go to his work, he thought it best to shift his clothes, and that they might not be seen, he confessed that he had hid them in the place where they were found. It was true he had denied before the justice that he had changed his clothes, being conscious that this was an ugly circumstance that might be urged against him, being unwilling to be brought into trouble if he could help it. He concluded his story with a most solemn declaration, that he had related nothing but the exact truth, without adding or diminishing one tittle, as he should answer for it to God Almighty.'

"Being then called upon to produce his witnesses, the prisoner answered with a steady, composed countenance and resolution of voice, '*He had no witnesses but God and his own conscience.*'

"The judge then proceeded to deliver his charge, in which he pathetically enlarged on the heinousness of the crime, and laid great stress on the force of the evidence, which, although circumstantial only, he declared he thought to be irresistible, and little inferior to the most positive proof. The prisoner

had indeed cooked up a very plausible story; but if such or the like allegations were to be admitted in a case of this kind, no murderer would ever be brought to justice, such deeds being generally perpetrated in the dark, and with the greatest secrecy. The present case was exempted, in his opinion, from all possibility of doubt, and they ought not to hesitate one moment about finding the prisoner guilty.

"The foreman begged of his lordship, as this was a case of life and death, that the jury might withdraw; and upon this motion an officer was sworn to keep the jury locked up.

"This trial came on the first in the morning, and the judge having sat till nine at night expecting the return of the jury, at last sent an officer to inquire if they were agreed on their verdict. Some of them returned for answer, that eleven of their body had been of the same mind from the first, but that it was their misfortune to have a foreman who, having taken up a different opinion from them, was unalterably fixed in it. The messenger had no sooner gone, than the complaining members, alarmed at the thought of being kept under confinement all night, and despairing of bringing their dissenting brother over to to their own way of thinking, agreed to accede to his opinion, and having acquainted him with their resolution, they sent an officer to detain his lordship a few minutes, and then went into court, and by their foreman brought in the prisoner *Not Guilty*.

"His lordship could not help expressing the greatest surprise and indignation at this unexpected verdict; and after giving the jury a severe admonition, he refused to record the verdict, and sent them back again with directions that they should be locked up all night without fire or candle. The whole blame was publicly laid on the foreman by the rest of the members, and they spent the night in loading him with reflections, and bewailed their unhappy fate in being associated with so hardened a wretch. But he remained inflexible, constantly declaring he would suffer death rather than change his opinion.

"As soon as his lordship came into court next morning, he sent again to the jury, on which the eleven members joined in requesting their foreman to go into court, assuring him they would abide by their former verdict, whatever was the consequence; and on being reproached with their former inconstancy, they promised never to desert or recriminate upon their foreman any more.

"Upon these assurances they proceeded again into court, and again brought the prisoner in *Not Guilty*. The judge, unable to conceal his rage at a verdict which appeared to him in the most iniquitous light, reproached them severely and dismissed them with the cutting reflection, 'That the blood of the deceased lay at their doors.'

"The prisoner, on his part, fell on his knees, and with uplifted eyes and hands to God, thanked him most devoutly for his deliverance; and, addressing himself to the judge, cried out, 'You see, my lord, that God and a good conscience are the best witnesses.'

"The circumstance made a deep impression on the mind of the judge, and as soon as he had retired from court, he entered into conversation with the high sheriff upon what had passed, and particularly examined him as to his knowledge of the foreman of the jury. The high sheriff answered his lordship, that he had been acquainted with him for many years; that he had a freehold estate of his own of above 50*l.* a year; and that he rented a very considerable farm besides; that he never knew him charged with an ill action, and that he was universally loved and esteemed in his neighbourhood.

"For further information his lordship sent for the minister of the parish, who gave the same favourable account of his parishioner, with this addition, that he was a constant churchman and a devout communicant.

"These accounts increased his lordship's perplexity, from which he could think of no expedient to deliver himself, but by having a conference in private with the only person who could give satisfaction; this he requested the sheriff to procure, who readily offered his service, and without delay brought about the desired interview.

"Upon the foreman of the jury being introduced to the judge, his lordship retired with him into a closet, where his lordship opened his reasons for desiring that visit, making no scruple of acknowledging the uneasiness he was under on account of the verdict, and conjuring his visiter frankly to discover his reasons for acquitting the prisoner. The juryman returned for an answer, that he had sufficient reasons to justify his conduct, and that he was neither ashamed nor afraid to reveal them; but as he had hitherto locked them up in his own breast, and was under no compulsion to disclose them, he expected his lordship would engage upon his honour to keep what he was about to unfold to him a secret, as he himself had done. His lordship having done so, the juryman proceeded to give his lordship the following account. The deceased being the tythe-man where he (the juryman) lived, he had, the morning of his decease, been in his (the juryman's) grounds, amongst his corn, and had done him great injustice by taking more than his due, and acting otherwise in a most arbitrary manner. When he complained of his treatment, he had not only been abused with scurrilous language, but the deceased at last struck at him several times with his fork, and had actually wounded him in two places, the scars of which wounds he then showed his lordship. The deceased seemed bent on mischief, and the former having no weapon to defend himself, had no other way to preserve his own life, but by closing in with the deceased, and wrenching the fork out of his hands; which having effected, the deceased attempted to recover the fork, and in the scuffle received the two wounds which occasioned his death. The farmer was inexpressibly concerned at the accident which occasioned the man's death, and especially when the prisoner was taken up on suspicion of the murder. But the assizes being just over, he was unwilling to surrender himself and to confess the matter, because his farm and affairs would have been ruined by his lying so long in gaol. He was sure to have been acquitted on his trial, for he had consulted the ablest lawyers upon the case, who all agreed, that as the deceased had been the aggressor, he could only have been guilty of manslaughter at most. It was true he had suffered greatly in his own mind on the prisoner's account; but being well assured that imprisonment would be of less consequence to the prisoner than to himself, he had suffered the law to take its course. In order, however, to render the prisoner's confinement as easy to him as possible, he had given him every kind of assistance, and had wholly supported his family ever since. And to get him clear of the charge laid against him, he had procured himself to be summoned on the jury, and set at the head of them; having all along determined in his own breast rather to die himself than to suffer any harm to be done to the prisoner.

"His lordship expressed great satisfaction at this account; and after thanking the farmer for it, and making this farther stipulation, that in case his lordship should survive him, he might then be at liberty to relate this fact, that it might be delivered down to posterity, the conference broke up.

"The juryman lived fifteen years afterwards; the judge inquired after him every year, and happening to survive him, delivered the above relation."

3.—"A man was tried for, and convicted of the murder of his own father. The evidence against him was merely circumstantial, and the principal witness was his sister. She proved that her father possessed a small income, which with his industry enabled him to live with comfort; that her brother, who was his heir at law, had often expressed a great desire to come into possession of his father's effects; and that he had long behaved in a very undutiful manner to him, wishing, as the witness believed, to put a period to his existence by uneasiness and vexation; that on the evening the murder was committed, the deceased went a small distance from the house to milk a cow he had for some time kept, and that the witness also went out to spend the evening and to sleep, leaving only her brother in the house; that returning home early in the morning, and finding that her father and brother were both absent, she was much alarmed, and sent for some of the neighbours to consult with them, and to receive advice what should be done; that in company with these neighbours she went to the hovel in which her father was accustomed to milk the cow, where she found him murdered in a most

inhuman manner; that a suspicion immediately falling on her brother, and there being then some snow upon the ground, in which the footsteps of a human being to and from the hovel, were observed, it was agreed to take one of her brother's shoes, and to measure therewith the impressions in the snow; this was done, and there did not remain a doubt that the impressions were made with his shoes. Thus confirmed in their suspicions, they then immediately went to the prisoner's room, and after diligent search, they found a hammer in the corner of a private drawer, with several spots of blood upon it.

"The circumstance of finding the deceased and the hammer, and the identity of the footsteps, as described by the former witness, were fully proved by the neighbours whom she had called; and upon this evidence the prisoner was convicted and suffered death, but denied it to the last.

"About four years after, the sister, who had been the chief witness, was extremely ill; and understanding that there were no hopes of her recovery, she confessed that her father and brother having offended her, she was determined they should both die; and accordingly when the former went to milk the cow, she followed him with her brother's hammer, and in his shoes; that she felled her father with the hammer, and laid it where it was afterwards found; that she then went from home, to give a better colour to the transaction, and that her brother was perfectly innocent of the crime for which he had suffered. She was immediately taken into custody, but died before she could be brought to trial."

4.—"An upholsterer of the name of Wm. Shaw, who was residing at Edinburgh in the year 1721, had a daughter Catherine who lived with him, and who encouraged the addresses of John Lawson, a jeweller, contrary to the wishes of her father, who had insuperable objections against him, and urged his daughter to receive the addresses of a son of Alexander Robertson, a friend and neighbour. The girl refused most peremptorily. The father grew enraged. Passionate expressions arose on both sides, and the words 'barbarity, cruelty, and death,' were frequently pronounced by the daughter. At length her father left her, locking the door after him.

"The apartment of Shaw was only divided by a slight partition from that of one Morrison, a watch-case maker, who had indistinctly heard the conversation and quarrel between Catherine Shaw and her father; and was particularly struck with the words she had pronounced so emphatically. For some time after the father had gone out all was silent; but presently Morrison heard several groans from the daughter. He called in some of the neighbours; and these, listening attentively, not only heard the groans, but also her faintly exclaim, 'Cruel father, thou art the cause of my death;' Struck with the expression, they got a constable, and forced the door of Shaw's apartment, where they found the daughter weltering in her blood, and a knife by her side. She was alive, and speechless; but on questioning her as to owing her death to her father, she was just able to make a motion with her head, apparently in the affirmative, and then expired.

"At this moment Shaw enters the room. All eyes are upon him! He sees his neighbours and a constable in his apartment, and seems much disordered; but at the sight of his daughter he turns pale, trembles, and is ready to sink. The first surprise and the succeeding horror leave little doubt of his guilt in the breasts of the beholders; and even that little is done away, on the constable discovering that the shirt of William Shaw is bloody.

"He was instantly hurried before a magistrate, and upon the deposition of the parties committed for trial. In vain did he protest his innocence, and declare that the blood on his shirt was occasioned by his having blooded himself some days before, and the bandage having become untied. The circumstances appeared so strong against him, that he was found guilty, was executed, and hung in chains at Leith. His last words were, 'I am innocent of my daughter's murder.'

"There was scarcely a person in Edinburgh who thought the father innocent; but in the year, a man who had become the occupant of Shaw's apartment, accidentally discovered a paper which had fallen into a cavity on one side of the chimney. It was folded as a letter, and on opening it, was

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found to contain as follows:—"Barbarous father! your cruelty in having put it out of my power ever to join my fate to that of the only man I could love, and tyrannically insisting upon my marrying one whom I always hated, has made me form a resolution to put an end to an existence which has become a burthen to me."

"This letter was signed, 'Catherine Shaw,' and on being shown to her relations and friends, it was recognized as her writing. The magistracy of Edinburgh examined it, and on being satisfied of its authenticity, they ordered the body of William Shaw to be taken from the gibbet, and given to his family for interment; and as the only reparation to his memory, and the honour of his surviving relations, they caused a pair of colours to be waved over his grave, in token of his innocence."

"5.—In the year 1736, Mr. Hayes, a gentleman of fortune, in travelling, stopt at an inn in Oxfordshire, kept by one Jonathan Bradford. He there met with two gentlemen with whom he supped, and in conversation unguardedly mentioned, that he had then with him a considerable sum of money. Having retired to rest, the two gentlemen, who slept in a double-bedded room, were awakened by deep groans in the adjoining chamber. They instantly arose and proceeded silently to the room whence the groans were heard. The door was half open, and on entering they perceived a person weltering in his blood, in the bed, and a man standing over him with a dark lantern in one hand and a knife in the other. They soon discovered that the gentleman murdered was the one with whom they had supped, and that the man who was standing over him was their host. They instantly seized him, disarmed him of the knife, and charged him with being the murderer. He positively denied the crime, and asserted that he came there with the same intentions as themselves; for that, hearing a noise, which was succeeded by groans, he got up, struck a light, and armed himself with a knife in his defence, and was but that minute entered the room before them.

"These assertions were of no avail; he was kept in close custody until morning, when he was taken before a neighbouring justice of the peace, to whom the evidence appeared so decisive, that on writing out his mittimus, he hesitated not to say, 'Mr. Bradford, either you or myself committed this murder.'

"At the ensuing assizes at Oxford, Bradford was tried, convicted, and shortly after executed, still however declaring that he was not guilty of the murder. This afterwards proved to be true; the murder was actually committed by Mr. Hayes's footman, who immediately on stabbing his master, rifled his pockets, and escaped to his own room, which was scarcely two seconds before Bradford's entering the chamber. The world owes this knowledge to a remorse of conscience of the footman on his death-bed, eighteen months after the murder; and, dying almost immediately after he had made this declaration, justice lost its victim.

"It is, however, remarkable, that Bradford, though innocent, and not at all privy to the murder, was nevertheless a murderer in design. He confessed to the clergyman who attended him after sentence, that having heard that Mr. Hayes had a large sum of money about him, he went to the chamber with the same diabolical intentions as the servant. He was struck with amazement; he could not believe his senses: and in turning back the bed-clothes to assure himself of the fact, he, in his agitation, dropped his knife on the bleeding body, by which both his hand and the knife became stained, and thus increased the suspicious circumstances in which he was found."

"6.—In the year 1742, a gentleman in travelling was stopped by a highwayman, in a mask, within about seven miles of Hull, and robbed of a purse containing twenty guineas. The gentleman proceeded about two miles further, and stopped at the Bull inn, kept by Mr. Bruncell. He related the circumstances of the robbery, adding, that as all the gold was marked, he thought it probable that the robber would be detected. After he had supped, his host entered the room, and told him a circumstance had arisen which led him to think that he could point out the robber. He then informed the gen-

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gentleman that he had a waiter, one John Jennings, whose conduct had long been very suspicious; he had, long before dark, sent him out to change a guinea for him, and that he had only come back since he (the gentleman) was in the house, saying, he could not get change; that Jennings, being in liquor, he sent him to bed, resolving to discharge him in the morning; that, at the time he returned him the guinea, he discovered it was not the same he had given him, but was marked, of which he took no further notice until he heard the particulars of the robbery, and that the guineas which the highwayman had taken were all marked. He added, that he had unluckily paid away the marked guinea to a man who lived at some distance.

"Mr. Brunell was thanked for his information, and it was resolved to go softly to the room of Jennings, whom they found fast asleep; his pockets were searched, and from one of them was drawn a purse containing exactly nineteen guineas, which the gentleman identified. Jennings was dragged out of bed and charged with the robbery. He denied it most solemnly; but the facts having been deposed to on oath by the gentleman and Mr. Brunell, he was committed for trial.

"So strong did the circumstances appear against Jennings, that several of his friends advised him to plead guilty, and throw himself on the mercy of the Court. This advice he rejected; he was tried at the ensuing assizes, and the Jury, without going out of Court, found him guilty. He was executed at Hull a short time after, but declared his innocence to the very last.

"In less than twelve months after this event occurred, Brunell, the master of Jennings, was himself taken up for a robbery committed on a guest in his house, and the fact being proved on his trial, he was convicted and ordered for execution.

"The approach of death brought on repentance, and repentance confession. Brunell not only acknowledged having committed many highway robberies, but also the very one for which poor Jennings suffered. The account he gave was, that after robbing the gentleman, he arrived at home some time before him; that he found a man at home waiting, to whom he owed a small bill, and not having quite enough of money, he took out of the purse one guinea from the twenty which he had just possessed himself of, to make up the sum which he paid to the man, who then went away. Soon after the gentleman came to his house, and relating the account of the robbery, and that the guineas were marked, he became thunderstruck. Having paid one of them away, and not daring to apply for it again, as the affair of the robbery and the marked guineas would soon become publicly known, detection, disgrace, and ruin appeared inevitable. Turning in his mind every way to escape, the thought of accusing and sacrificing poor Jennings at last struck him; and thus to his other crimes he added that of the murder of an innocent man."

* * * * *

"The case of M. de Pivardiere is one of the most singular instances of criminal precipitation and iniquity that the annals of French justice furnish. Madame de Chavelin, his second wife, was accused of having had him assassinated in his castle. Two servant maids were witnesses of the murder; his own daughter heard the cries and last words of her father: 'My God! have mercy upon me!' One of the maid servants falling dangerously ill, took the sacrament; and while she was performing this solemn act of religion, declared before God that her mistress intended to kill her master. Several other witnesses testified that they had seen linen stained with his blood; others declared that they had heard the report of a gun, by which the assassination was supposed to have been committed. And yet, strange to relate, it turned out, after all, that there was no gun fired, no blood shed, nobody killed! What remains is still more extraordinary. M. de la Pivardiere returned home; he appears in person before the Judges of the Province, who were preparing every thing to execute vengeance on his murderer.—The Judges are resolved not to lose their process; they affirm to his face that he is dead; they brand him with the accusation of imposture for saying that he is alive; they tell him that he deserves exemplary punishment for coining a lie before the tribunal of justice; and maintain, that their procedure is more credible

than his testimony! In a word, this criminal process continued eighteen months before the poor gentleman could obtain a declaration of the Court that he was alive!"

"In the year 1770, a person of the name of Monthaille, without any accuser, witness, or any probable or even suspicious circumstances, was seized by the superior tribunal of Arras, and condemned to have his hand cut off, to be broken on the wheel, and to be afterwards burnt alive, for killing his mother. This sentence was executed, and his wife was on the point of being thrown into the flames as his accomplice, when she pleaded that she was *enceinte*, and gave the Chancellor of France, who was informed of the infernal iniquity that was perpetrating in the sacred name of justice, time to have the sentence as to her reversed. 'The pen trembles in my hand,' says Voltaire, when I relate these enormities! We have seen, by the letters of several French lawyers, that not one year passes, in which one tribunal or another does not stain the gibbet or the rack with the blood of unfortunate citizens, whose innocence is afterwards ascertained, when it is too late.'"

I will next refer you to a case from the Newgate Calendar of the same character. The case to which I allude is that of Richard Coleman, who was tried at Kingston in 1748, for the rape and murder of Sarah Green. The evidence went to prove, that he was seen going across the road after she had been assaulted in a way which ended in her death. The young woman lived for eight or nine weeks, and then died. She herself swore positively to Coleman, and her testimony was confirmed by others. Upon this charge he was tried, condemned, and executed. In some time afterwards, it appeared that he was not the person who committed the murder: for, after a lapse of some years, two persons, named James Wilson and Thomas Jones, were tried at the Old Bailey for the murder for which Coleman was executed. They were convicted, and principally upon the evidence of an approver of the name of Nichols, who proved that on the night in question Jones assumed the name of Coleman, and under that disguise perpetrated the crime. But these details are too tedious, and too disgusting, longer to occupy your attention with them.

And now, Gentlemen, said Thurtell, assuming a solemn and impressive tone, having brought these cases before you, am I not justified in asking you, not to give to the circumstantial proofs in my case a greater share of credit than such evidence merits; and that, unless you find these proofs irreconcilable with my innocence, you will be of opinion they make but little against me? May not all the facts stated here be true, and yet I be innocent? Am I not justified in asking you to give me the benefit of any doubts which you may entertain, and to which I am entitled by the merciful ordinance of that law which supposes every man innocent until he is found guilty? Weigh well, Gentlemen, I conjure you, all the circumstances: remember that my existence hangs upon your breath; for, to cases like this, mercy is a stranger after conviction. If you are not convinced of my innocence, and will not give me that benefit of a doubt of my guilt which the law entitles me to, I have yet a road open to your hearts. You will not cut me off in the summer of my youth—(Here the prisoner was greatly affected)—I implore it of your humanity—of your justice. I ask it not for myself, but for those whose names was never before sullied—for their home, that once happy home, which my death will render drear and desolate. For myself, Gentlemen, I look forward to the issue, whatever it may be, with a sweet composure. Assisted by the Divine Power, I am also cheered by the consciousness of having ever been actuated by humane, honorable, and just principles. I feel that I am incapable of a wrong action, and I am horrified at having such a frightful crime imputed to me, as is this day charged against me. I hope no one of the auditory, who are now within my hearing, think me capable of it; if they do, I would only address them in the words of the Holy Apostle, "Would to God you were all as I am, save these bonds." I put my case with confidence into your hands as honourable men, and gentlemen. I know that no where is a man's life and honour so safe as in the keeping of a British Jury. I have now, Gentlemen, poured out before you my whole heart; and whilst you are about to decide upon my future destiny, I beg of you to receive my last solemn declaration—I am innocent, so help me God.

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(Saying these words, Thurtell sat down, clasping his hands forcibly upon his breast. He spoke the exordium of his address in a manner peculiarly impressive. The prisoner's voice is well toned, his enunciation good, and his emphasis judicious. His attitudes were manly—a little theatrical perhaps, but free from affectation.)

Mr. Justice Park now addressed Hunt, and told him, that if he had any thing to address to the Court, this was the proper time. Before the prisoner could reply,

Mr. Andrews intimated to the Court, that Thurtell meant to call some witnesses.

Mr. Justice Park then said—You cannot now address the Court, but I called upon you, to show that I had not forgotten you.

Mr. Andrews then called the following witnesses:—

Samuel Wadson, examined by Mr. Andrews—I am a Solicitor. In the course of my professional avocations I have known William Probert. I knew him first in 1819. He was then a bankrupt. He was examined by me before the Commissioners. I was Solicitor for his creditors. He was committed for prevarication in his answers before the Commissioners.

Is he a man on whose oath you would act?—I have no hesitation in saying I would not act upon his oath, unless supported by additional testimony.

Mr. Longdon Haydon, examined by Mr. Platt—I am a land-surveyor and auctioneer. I know the prisoner John Thurtell, and have known him for some years. I have never heard any thing of him contrary to humanity in my life. I always thought him a kind, liberal, and open-hearted man. I have known him do some good actions, which I could name.

Mr. Justice Park—Oh, never mind particulars.

Examined by the Court—When did you cease to know him intimately?—A few days before he was committed. I have always thought him a good-hearted man. My acquaintance continued uninterrupted. I never lost sight of him.

Captain George M'Kinlay, examined by Mr. Andrews—I am a captain in the navy, and one of the captains of the British Hospital. He was under my command from 1812 to 1814. I was then captain of the *Bellona*. He was always a correct officer. I never saw any thing bad in his temper and disposition. His character was that of a humane and kind man.

By the Court—Have you known any thing of him since the year 1814?—I have not.

Joseph Walmsley, examined by Mr. Chitty—I am an officer to the sheriff of Middlesex. I have known John Thurtell for three years. I have always thought him a humane, peaceable, quiet, well-disposed man.

Mr. Justice Park then addressed Hunt, and told him that he might address the Jury.

Hunt, in a weak tone, said—My Lord, I have a defence, but so great is the anxiety of mind which I labour under, that I cannot trust myself to read it.

Mr. Justice Park—Then let it be read by the Officer of the Court.

Mr. Knapp then proceeded to read from a paper the following statement:—

“My Lord,—Having, under a positive assurance that I should be admitted a witness for the Crown, made a full and true confession of all the facts within my knowledge respecting this horrible and melancholy event, and having implicitly relied on the good faith of the magistrates, for the due performance of their solemn promises, made previously and subsequently to my disclosure, I forbore to make the slightest preparation for my defence; and after your Lordship shall be made acquainted with all the circumstances under which that confession was drawn from me, your Lordship's feeling and compassionate heart will be able to appreciate, although I am unable to describe the painful emotions of surprise and disappointment by which I am overwhelmed, when, only a few days before the assizes, it was notified to me, for the first time, that I was to be placed in the present perilous and awful situation.”

Mr. Justice Park—Surprise! Surely you cannot mean to say that you were taken by surprise now?

Mr. Thesiger—On the first assizes of course.

Mr. Justice Park—I thought so.

Mr. Knapp then proceeded—

“Your Lordship will perceive, that the circumstance which I was told would procure me forgiveness, and insure my safety, has alone rendered me amenable to the laws—namely, my own disclosure and declarations; for although the prosecutors may not offer my confession in evidence, yet, as that confession has been published in every newspaper in the kingdom, and has been circulated in many thousand pamphlets, and has been the subject of universal conversation, is it probable, or even possible, that any of the gentlemen who are now sitting in judgment on my case, can be ignorant that such a confession has been made? How futile, then, and unavailing, would be any observation or arguments, to a presumption of the innocence of a man, who already, to a certain extent, stands self-condemned. Feeling myself in this dilemma, I shall abstain from troubling your Lordship with any detail of facts or observations upon the main question involved in the indictment, but merely assert, that I was not present when the unfortunate deceased lost his life, and that I was ignorant of any premeditated plan or intention to destroy him; I never knew of the murder until after it was committed; my crime consists solely in concealment, and my discovery could not bring the dead to life: my error arises but from my concealment of the guilt of others. I am now on my trial for having been privy to the previous design—I never was; I certainly concealed it afterwards, sooner than betray the misfortune which had been confided to me. Your Lordship, however, will, I am sure, tell the gentlemen of the Jury, that no concealment or conduct of mine, after the death, will make out the present charge; and I hope both your Lordship and these gentlemen are too just and merciful to convict me from prejudice, and not from proof. I now, my Lord, most respectfully solicit your humane attention to the following statement:—

“On the morning of Wednesday, the 29th of October, I was apprehended in London, and directly conveyed to Watford, where an investigation was going on respecting the then supposed murder of Mr. Weare. On my arrival I found several magistrates assembled, and Mr. Noel, who was apparently conducting the prosecution, addressed me as follows:—‘Mr. Hunt, for God’s sake, tell the magistrates whatever you know of this murder, and in all probability you will be admitted as an evidence. It is clear that Mr. Weare has been murdered, and we only want to find where the body is, and if you know, for God’s sake tell us.’ I repeatedly denied all knowledge of the circumstance, and Mr. Noel as frequently importuned and urged me to confess. At last the magistrates said, ‘Mr. Hunt, you had better retire and consider the offer made to you, and recollect your perilous situation.’ I was then conveyed into another room, and was presently followed by Mr. Noel, who, in the presence of Ruthven and Upson, repeatedly told me that if I would tell where the body was (provided I did not actually commit the murder), that I should be admitted as an evidence, and my life would be spared; and added, that the Magistrates had authorized him to make a pledge to this effect. Still, however, I was firm in my denial, and continued so until Upson, the officer, tortured my feelings by the mention of my family. He said to me, ‘Hunt, you have a mother?’ I answered, ‘Yes, I have.’ ‘And a wife also?’ I said ‘Yes.’ ‘And you love them dearly?’ I answered ‘Yes, very dearly.’ ‘Then,’ said he, ‘for their sakes do not risk suffering an ignominious death, but tell where the body is, and give your evidence immediately, or you may be too late; for Probert and the other will disclose, and then nothing can save you.’

“This address had a great effect upon me, and Noel perceiving it, again pressed me, saying, “Do not hesitate, for you have now a chance; consider the situation you are in, and avail yourself of the offer now made to you, for I am authorized by the Magistrates to say, that you will be admitted as an evidence for the Crown, and not treated as the others. You will be merely confined until the trial, to give your evidence, and then be discharged.’ On receiving this assurance, I consented to become a witness, and Mr. Noel then

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asked me if I knew where the body was? I told him, Yes; that I could not describe the place by name, but I could point it out: on which, Mr. Noel struck his hand on the table, and exclaimed, 'That's all we want;' and shaking me by the hand, said, 'Hunt, I am very glad you have saved your own life.'

"We now returned into the room where the Magistrates were, and Mr. Noel told them I was ready to make a disclosure, and said, I have made known to him, by your orders, that if he discovers where the body is, he is to be admitted as an evidence; but before he says any thing, I wish him to have that assurance in your presence, that he may be satisfied from yourselves that I was authorized to make the promise. The Magistrates, Mr. Clutterbuck and Mr. Mason, replied, that Mr. Noel had their authority for what he had done; and then Mr. Noel said, 'Now, Mr. Hunt, having heard the Magistrates' decision as to your being a witness, I hope you are satisfied, and I beg you will take a seat, and tell us all you know.'" I then detailed every thing that occurred to my recollection; but having been apprehended early on the preceding day, conveyed into the country, and harassed and importuned throughout the night, it could hardly be expected that I should, at four or five o'clock in the morning, in making a long statement, recollect every circumstance; indeed, the Magistrates were aware that such could not be the case; and they told me, that in the great hurry and confusion of the moment I had no doubt omitted many facts that I should afterwards on reflection recollect, and if such should be the case, I had only to address a letter to the Magistrates, and they would immediately attend to it. Shortly after quitting the room, several particulars came to my recollection which I had not named, and I directly sent for Mr. Noel, and mentioned them to him. At nine o'clock in the morning, I went with the officers and pointed out the spot where the body had been deposited; I was then taken back to the Magistrates to sign my statement; and previous to my being taken to prison, Mr. Clutterbuck desired that I should be treated with kindness, and not put under any unnecessary restraint. I was accordingly conveyed to St. Alban's without being ironed or handcuffed, and was there treated with every possible indulgence.

"On being taken before the Coroner, I experienced very different treatment; but still I had no intimation given me that I was not to be admitted as a witness for the Crown, until just before the present indictment was found.

"It is perfectly true, that when before the Coroner I was admonished to make no further confession; but the admonition was a mockery. I had already, under a solemn promise, confessed every thing material; and the Coroner himself, when he thus affected to forewarn me, well knew that he and his Jury were that instant sitting in inquest on the body, solely in consequence of my disclosure; no Jury could have sat—no death could have been proved—no body could have been found—no trial could have been had—but for my instrumentality. I was trepanned into a confession by the plighted faith of the Magistracy of this County. If they break it now, they will not merely make me the victim of its violation, but they will be answerable to society for every future crime against the discovery of which their conduct will be an eternal admonition. Who can confide in promises hereafter? Who can rest his life on magisterial assurances? To no human being can they ever pledge themselves more sacredly than to me, yet here I stand to-day a proof of their insincerity; nay, more than this—not only have they broken faith and violated honour, but while the press was unceasing in the excitement of prejudice—while the theatre and the painter were employed in poisoning the public mind—while every engine was at work to diminish the chances of an impartial trial—these very men, who had thus ensnared me by perfidious declarations, closed their prison doors against friends and legal advisers, and opened them only to the mandate of the King's Bench. Thus was I first ensnared, and afterwards sought to be sacrificed. Seduced into a confession, which was trumpeted through the world, and then cruelly secluded until the time arrived when I was to suffer—not for my crime, but for my credulity—not because I erred, but because I trusted—not because I violated the law, but because I

confided in the conscience of its ministers. It is in vain to say that my confession was not complete; it was as ample as could have been expected at the moment, from an exhausted frame and an agitated mind. It was subsequently amended, where it was at first deficient, and no sophistry can evade the fact, that through that confession alone the body was discovered. Thus, then, the main circumstance, that on which every thing turned, was disclosed at once, and it is absurd to attribute to aught but momentary confusion any minor concealment, when the great, essential, and indispensable development had taken place.

"As a proof that even the Coroner himself considered my confession so ample as to ensure my pardon, and that in his mind, notwithstanding his admonition, the promise of the magistracy ought to be held inviolate, hear his own words to Mr. Nichols, one of the witnesses.—'The consequence of your delay has been, the escape of Hunt from justice; for he has been admitted a witness for the Crown, by the Magistrates, as they were afraid the body was disposed of.' Now, what did these words mean, if the Coroner was not fully convinced, that I had merited and insured my pardon?

"The prosecutors, my Lord, may affect to say, that as they refused to grant the boon promised for the disclosure, they will decline using, or taking any advantage of the confession; and I humbly submit that such a line of conduct would be alone consistent with justice and fair dealing; for if they retract their engagement, they ought not to place me in a worse situation than I was in at the moment when, confiding in their integrity, I unbosomed the secret. If the prosecutors act with liberality, and forbear to offer a tittle of evidence respecting the body, and, in conducting the case, consider it as still undiscovered, I can have no cause to complain of plighted faith and broken promises, because your Lordship is not to be reminded that it has been laid down as a principle, that no death can be considered as proved unless the body be found, and consequently in this case no conviction can take place. But if witnesses are produced to prove the finding of the body, can it be said that my confession is not taken advantage of? and will not the prosecutors be taunting me by an affectation of candour, if they take credit for not giving in evidence any declaration made by me, while they avail themselves of the very essence and substance of the communication?

"In confirmation of the promises made to me by the magistrates and Mr. Noel, I beg to refer to a statement which the latter gentleman has published in the newspaper; wherein he says—'It is now incumbent on me to state the reasons for the offer of mercy held out to Hunt;' and then he thus proceeds:—'Notwithstanding the most diligent searches for the body, no discovery had been made of it as late as four o'clock past midnight of Thursday morning, the 30th of October, the sixth day after the murder, and at that hour the informations and investigations had terminated with no clue whatever to the real person murdered.' Mr. Noel next describes his invitations to me to make a disclosure, with a view to my being admitted as an approver; his desiring me to retire to consider of his proposal; and after I had left the room, he says he addressed the magistrates as follows:—'Gentlemen, if you do not approve of the offer of mercy now held out to Hunt, say so, and I will go to him. Recollect, without the body is found, notwithstanding the strong evidence against one of the parties, we shall do nothing; and Mr. Clutterbuck and Mr. Mason both gave unqualified approbation to my mode of examination, and of the offer of mercy held out to Hunt.'

"And in another part of Mr. Noel's statement, he says, 'Not only at Watford, but at the Inquest, it was the general opinion of Mr. Mason and the magistrates, that the body might have remained concealed in Hill's Slough, the place where it was found (a distance of three miles and a half from the spot where the murder was committed), until it had been decomposed, and beyond the possibility of identifying; and such was the insignificance of the slough, that persons employed to drag all pits, ponds, &c. would have passed by it, and therefore they were confirmed in their opinion as to the policy and propriety of sanctioning my offer of mercy to Hunt; and, previous to the

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offer being made, it was our united opinion that the corpse had been removed to London, and probably thrown into the Thames, either entire or piecemeal.'

"In addition to this statement, Mr. Noel inserts a letter from Mr. Clutterbuck to himself, in which the magistrate observes, that as my case was then gone out of the hands of the magistrates, all that could be done for me was to ask of the court whether they would allow me to be evidence for the crown.

"Having now, my lord, faithfully stated the inducements by which I was led to make that disclosure which alone rendered myself and my fellow prisoners amenable to justice, I respectfully submit to your lordship, whether, in being now put upon my trial, and made the victim of my own credulity, I have been fairly and candidly dealt with? I will not, my lord, attempt to point out or discuss the mischiefs likely to arise if such engagements as were entered into with me are to be cancelled at pleasure, because they will occur much more forcibly to your lordship's enlightened mind. Indeed, so far as I am individually concerned, my fate is a subject of trifling importance. I have no desire to prolong a wretched existence, unless it be to afford the opportunity of endeavouring, by prayer and penitence, to obtain mercy and forgiveness of the Almighty, for the sins and transgressions I have committed. But in pity to the feelings of an aged and respectable mother, a virtuous and an amiable wife, and my dearly beloved brother and sister, I do feel most anxious to avoid an ignominious death; and it is therefore for their sakes, more than for my own, that I fervently and earnestly entreat the performance of the solemn pledge made to me of sparing my life.

"I have nothing further to add, but most humbly repose my fate to the justice and humanity of your lordship."

Mr. Justice Park.—Do you call witnesses?

Prisoner Hunt.—I beg pardon, my lord, I only beg leave to add—[producing a paper.]

Mr. Justice Park.—Perhaps you had better give the paper to the officer to read.

Prisoner Hunt.—If your lordship pleases I will read it.—[Hunt then proceeded to read.]—"The greater part of Probert's evidence is false, and particularly the circumstances which he related as occurring prior to the murder, in order to screen his own life and destroy mine. There is one fact of his testimony evidently false. He says I pointed out the place where he was to put me down; now as I was never there before, how is it possible that I could know the place where he was to put me down, especially as the place was very intricate, and the night dark?"

The defence of the prisoners having concluded here, his lordship retired for a few moments, and, on his return, asked if any Hertfordshire constable was present, who could prove that Gill's-hill-lane was in the County of Hertford.

It having been suggested that the Coroner was present, he was sworn.

Mr. Justice Park.—Do you know if Gill's-hill-lane, the spot where the murder was committed, is in the County of Hertford?

Coroner.—It is in the parish of St. Alban's, in the County of Hertford.

THE CHARGE.

Mr. Justice Park then commenced the summing up.

"Gentlemen of the Jury, this important case has justly occupied a large portion of our time and labour: a case important, not only to the prisoners at the bar, but to the public. John Thurtell, one of the prisoners, is charged, on the indictment, as the principal, who committed the murder; and Joseph Hunt, the other prisoner, is charged on the same indictment, though not present, as having ordered, counselled, advised, and directed the prosecution of that murder; in legal terms, he is charged as an accessory before the fact. And here it is proper to state, that if he only knew of the murder after its perpetration, and then concealed it, he would be an accessory after, and not before the fact, and then he would not come within the present indictment. It is necessary to tell you, Gentlemen, that so tender are the laws of England of human life, that when a man is killed, they hold it to be murder, till some circumstances of extenuation are discovered, which may reduce it from murder to manslaughter. But here the single question is, who committed the murder? Because if committed, as it is pretended, by Thurtell, there are no circumstances of extenuation, nothing which could reduce it to a less crime. However the defence of the prisoner charged as principal is, that he did not commit the murder imputed to him; if so, no further inquiry as to the prisoner (Hunt) will be necessary, because an accessory before the fact is placed on the same footing with the principal who committed the murder, and justly so. But there is a distinction here between the cases of the two. If you are of opinion there is no testimony to affect Thurtell, then you need not trouble yourselves with any inquiry about Hunt; because, if you should be of opinion that Thurtell was not concerned in the murder, it is clear the other cannot be guilty of aiding and abetting him. There is also this difference, that though you may be of opinion that Thurtell is guilty, it does not necessarily follow that Hunt is an accessory. Now, Gentlemen, I hope that I have satisfactorily explained to you the distinction of both cases. I now proceed to detail to you the evidence; but, before doing so, I must observe that some parts of the statement of Thurtell, in his defence, were manly and energetic, and if prepared by himself, it is highly creditable to him. But, in saying so much, though I hope I am not one of those who would go out of my duty to speak severely of any one, I must confess there were other parts of that statement, about the middle of it, which were more like a romance than a defence. He was very ill advised, indeed, to introduce into such a statement extracts from the *Percy Anecdotes* and the *Newgate Calendar*, because they destroyed whatever weight may have been produced by the introduction of the works of the immortal Hales. I have acted here upon the principle alluded to; and every man since the time of Lord Hales must know, that it is necessary that the man found dead, he proved to be the same man charged in the indictment to have been murdered. All that farrago which was introduced, was ill-advised and imprudent; however, I don't charge him with it, but those who recommended him to introduce such subjects in his defence. Thurtell seems to rely for his acquittal upon the circumstantial evidence; but, if carried to the extent he would have it, there is an end to the judicature of man; for, as long as he is clothed with the imperfections of man, how else is truth to be come at but by circumstantial evidence? Imperfect and frail as man is, in order to reach the truth circumstantial evidence is necessary; and it has been always received by all who have sat to administer justice, as I do here, or those Learned Gentlemen now about the table. It brings more direct and satisfactory proof to the mind, than evidence which rests solely upon the assertion of an uncorroborated individual, though he witnessed the deed. And, in the first instance, with regard to Probert, the accomplice, a witness who was called for the prosecution, I have no difficulty in saying, that he is the most infamous and the blackest character that has come within my experience. It did not need the evidence of Mr. Wadeson, the solicitor, respectable as I know him to be, who swore that from his knowledge of Probert, from his frequently being a bankrupt, and committed for perjury, he would not believe him unless corroborated by other evidence: I say, it did not need his testimony to convince

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me of the infamy of Probert's character ; for, bad as he may have been before he became a bankrupt, he could not have been worse than he was after concealing the fact of the murder, and harbouring the murderer in his house ; but this very circumstance only affords a stronger reason why it is more comfortable to have circumstantial evidence in a question where human life is at stake ; because it is possible that a conspiracy may be formed by one or two persons. But, when talking of conspiracy, gentlemen, recollect that there are 53 witnesses on the back of the indictment, most of whom have not seen Thurtell, or known him ; and to entertain an idea of conspiracy in this case, you must suppose it to be the conspiracy of all. This I say, gentlemen, to guard you against the effect which Thurtell's address to you on circumstantial evidence may have produced, otherwise the ends of justice would be defeated, and the object for which you sit there, and I here—namely, to protect innocence and punish guilt, rendered unavailing. You, Gentlemen, will, I have no doubt, sift both the direct and circumstantial evidence with all the reasoning powers you are possessed of ; and I say to you, as Thurtell concluded, if, as honourable and religious men, you entertain any doubts of his guilt, give him the benefit of them, for by the law of England he is entitled to have them. There is another circumstance that was alluded to by Thurtell, which met us in the outset, and which I will not gainsay—to me it was a powerful argument. Those who know me, know that I am unwilling to say any thing harsh ; but I would think myself unworthy of the situation I hold, and open to impeachment if I did not do my duty manfully, fearlessly, regardless of the consequences ; and if, though attacked by the whole artillery of libel, I did not do what was just. It was distressing to me that the prisoner should have found it necessary to appeal, to entreat and beseech you, if ever you heard any rumours connected with his guilt, to drive them from your thoughts as a pestilence ; and if the publication of such statements as have gone forth, previous to this trial, be suffered to continue, I tremble for the fate of my country. You, gentlemen, have solemnly called God's help here, that so you will decide ; but how can you—how difficult is it, if your minds are already poisoned by hearing that which is not evidence ? The prisoner Hunt's statement has been published in newspapers and pamphlets, as I understand, for I do not know it myself ; but if so, it is a dreadful and lamentable evil, for by the publication of this statement, that which had not even been tendered as evidence by the Counsel for the Crown—and which, if tendered now as evidence, would be rejected, found its way to the public, and made its impression. It is grievous, gentlemen, that the publication of these statements should be permitted. It is in consequence of them that I have this additional labour now thrown on myself, because I did not think it fair, after the affidavits containing libels, which were read before me on the former occasion, to put the prisoners then on their trial, and I have the satisfaction of my own conscience that I was right, and the concurrence of those who know anything upon the subject. It is painful, gentlemen, in the administration of justice, that I should have any reason to fear that your minds are impressed with prejudices : however, I hope that newspaper publications, pamphlets, lies or calumnies, will not have the least effect upon your minds, but that you will do your duty so as you have called upon God to help you. This point goes to the circumstantial evidence ; the other, which it will be my duty to state to you, is, if any thing, more difficult. A motion was made before me yesterday, in support of which every argument that could be used was ably urged, to put off the trial of Hunt ; but the very ground upon which it was urged, showed that it ought not to be postponed, for if Hunt had any reason to go to the Crown, as the trial had been put off before, he had an opportunity of going if he chose, though it was not for that purpose the trial was put off. The arguments urged on his behalf may have been powerful, as addressed to others than you and me, gentlemen,—for to me, at least, they did not offer grounds sufficiently strong to put off his trial. This confession, if tendered to me as evidence, I would refuse, and this Hunt's advisers know perfectly well. There is no greater hardship upon this young man now, than would have been, if he was put on his trial before he made that confession. He is not in a worse situation than a person, who having pointed out the place in which stolen goods would be found, may happen afterwards to be put on his trial for stealing them. It does not appear in Court

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these goods were found, neither is the Judge nor Jury influenced by any thing to the prejudice of the prisoner that occurred previously, and which does not appear upon the trial. In such a case I have no power in my hands, and am bound to submit the case to you for trial. I have now, gentlemen, submitted to you all the points which occurred to me as necessary for you to clearly understand the circumstance of this case, and I shall proceed to detail to you the evidence, which I will accompany with such observations as strike me to be important; you, gentlemen, adopting or rejecting them, as they appear reasonable or otherwise. And first, as to the body of the crime, the proof of a great part of which depends on the evidence of Probert and his wife. And here, gentlemen, while on accomplices, I will take the opportunity of submitting to you what I apprehend to be the law of England. When an accomplice is put into the box, he comes loaded with all the guilt of the prisoners against whom he is going to give evidence. If he charge them with murder or housebreaking, he charges himself with the same crimes; he is at all events a murderer in a moral sense, and would be considered as an accessory after the fact, and deprived of the benefit of clergy. An accomplice is a competent witness; but, gentlemen, there is a distinction between competency and credibility. I am bound to set up a witness as competent to you, but you are bound to try credibility; and I would advise you, gentlemen, not to attend to a single syllable of the witness Probert, whom I have set up to you as competent, unless his testimony is corroborated in several of the main points. [The Learned Judge here ordered the prisoners to be accommodated with chairs.] He cannot be corroborated in all, because, if that were the case, instead of being a witness, he ought to be made one of the prisoners, and put on his trial; and the reason of the difficulty is, that crime is committed in the dark, and therefore requires the evidence of a number of circumstances for its proofs; but if this witness be corroborated in several of the main points, you are bound to give him credit for all he states, because, if you are satisfied that he states the truth in some, there is every reason to believe that he states the truth in all. A great many sensible observations were made by Thurtell upon Probert's evidence, which I believe and entirely coincide in; but, as Mr. Wadson said, I would not believe him, unless corroborated by circumstantial evidence. The testimony of accomplices is admitted every day, and if it were not, a thousand crimes would be committed which would never be discovered. It is politic that it should be so, and that credit should be attached to it; that men who associate in crime may be aware that friendships of this kind are perfidious when confederated in vice, and that the moment the safety of the persons who contract them is endangered, they forget their apparent friendships, and resort to disclosure for their own security. I must say that Mr. Noel acted a most ill-advised and unwarrantable part in inducing Hunt to make a confession, and holding out to him the hope of an indemnity, which he had no more right to do than any of the by-standers. I must also repeat that the magistrates—and private magistrates especially, have no right to grant an indemnity. All they can do is to recommend the person making the disclosure to the Counsel for the Crown, who may call upon the Judge to grant that C. and D. may be admitted as witnesses. But, notwithstanding all that has been said, it is not shown upon the depositions that Hunt was ever accepted as a witness for the Crown, for he was never sworn.—[His Lordship here commenced a minute detail of the evidence, and while on the first witness, Beeson, who proved the finding of the body, his Lordship used a plan of the cottage, and the pond where the body was found, which, at the request of one of the Jury, his Lordship showed to them, and explained as it bore upon the testimony.] His Lordship then continued. And while upon this part of the evidence, I must observe, as the prisoner Thurtell quoted the authority of Lord Hales, that it is necessary to prove the finding of the body, and the identity of the person declared to have been murdered in the indictment, that as a Judge, unless the blow is seen to have been given, or the body identified, I would never put the prisoner on his trial. And in Spring last, when a woman was charged with the murder of her own child, the body being in a state of putrefaction, all lineaments of the features defaced, and there being no means even of distinguishing its sex, I stopped the case, and did not allow it to go to the Jury. But here witnesses

prove the identity of the body. Rexworthy, who knew the deceased, saw the body, and says that he has no doubt it was that of Mr. Weare. He saw his face and the side of the head where he received the pistol-wound, and he knew him as well as ever he did. The brother of Weare also saw the body. He says, "I had a brother, and this is his body." Therefore, Gentlemen, there is no doubt as to the death of Mr. Weare, and the identity of his body. Then comes the evidence of Mr. Ward, the Surgeon; and here I must observe that I never heard a Surgeon give more clear or sensible evidence. He gave it in a manner highly creditable to himself. His Lordship here having read over the several counts of the indictment, charging the prisoner with committing the murder by cutting with a knife, by the penetration or firing of a pistol, continued—So that, Gentlemen, whether the deceased died by a knife, the penetration of a pistol, or the firing of one, it established this indictment. Now, the Surgeon says they penetrated the scalp and entered the brain, that his death might have been caused without firing, and in his opinion, that this pressure upon the brain was sufficient to produce death, and that quickly too. There was also a mark upon the right cheek; and it will be for you, Gentlemen, to consider, by-and-by, whether this is indicative of any attempt to shoot him. The jugular vein was also cut, and this proves the second count of the indictment. When a body has been in water for any time, we all know that it is greatly swollen; but the surgeon states that the body of the deceased was fresh when he saw it, and that was only six days after the murder, when it was less likely to have changed its appearance than if it had been exposed to the open air for the same time. Now, Gentlemen, having said so much of the death and identity of the body, we come to the great question—who committed the deed, and whether the prisoner Thurtell was the principal, and Hunt the accessory before the fact? And here I must take the opportunity of stating, that if a person comes up while the act is committing, though he had no hand in it, by his presence he makes himself an accessory before the fact: and I would wish to impress upon this audience, that men of low degree often lay the flattering but deceptive unction to their souls, that because they have no hand in the commission of the deed, they are not criminal; but they are greatly mistaken in this notion, for, in morals and in law, they are as criminal as the person who actually perpetrates the crime. If a party go out with the intention of robbing you or me, whatever crime is committed by one is committed by all. This I mention, because I am anxious to remove the false impressions which many have upon this subject. I again repeat, Gentlemen, that Probert is one of the basest of men, and that you ought not to believe him unless his testimony is corroborated. And now I beg your attention, while I show the several points in which he is borne out by the testimony of other witnesses. On Thurtell was found a pocket pistol, and in this Probert is corroborated by the Pawnbroker's boy, who says that he sold Thurtell a case of pistols similar to those produced; and then Thurtell gives no account how he got them. He does not state that he bought them elsewhere. Then the pistol found on the ground exactly corresponded with the one found on his person; that, besides, was bloody, and had hair upon it. What then, Gentlemen, is the probable conclusion? Is it not that, whoever had that pistol—I will not say the prisoner Thurtell—is the person who used it in the destruction of Mr. Weare? Farther, Gentlemen, the constable who apprehended the prisoner Thurtell found a muslin handkerchief on him stained with blood, and his shirt was also bloody, but the effect of this was removed by the judicious remark of one of his Counsel, that it might have occurred while shaving himself; however, it was rather an awkward coincidence, that his waistcoat, coat, and hat, were also marked with blood. In Hunt's room are found a bag, gun, two shirts, one marked W. W. and the other W. only; a shirt-collar, one night-cap, a bullet-mould, and a backgammon-board, which are proved to have been the property of the deceased. Now this, gentlemen, is strong evidence to bring Hunt and Thurtell together, and to prove that both acted in concert; that Hunt had in his possession, all those things which Mr. Weare had about him at the time of his murder. Probert's testimony about meeting Thurtell and Hunt at Tetsall's on the day previous to the murder is borne out by the other witnesses. He said that he paid to Thurtell 5*l*. which he borrowed of Tetsall. Tetsall in his evidence said, that Thurtell did

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borrow 5*l.* from him on that day. Probert's statements were said by the prisoner, in his defence, to be full of contradictions; but he is confirmed by Tetsall, and other witnesses subsequently examined.—Probert cannot, by any supposed contradiction, be made to appear in a worse light than he is already, as a man, who from his own admissions, was aware that a murder was to be committed; and who, afterwards, when he knew the murder to have been committed, concealed it as much as he could. There is a strange singularity in Probert's thus taking down to his house persons without any preparation for them. It is equally singular that he would take down Thurtell, after having heard him say he was to take down a friend, and that if he had an opportunity he would do for him if he could. The attempt made this day was to insinuate that Probert was the murderer, and that for that purpose he gave Hunt the pound in silver to pay for the horse. But there was nothing more surprising or singular in his giving that pound to Hunt in Thurtell's presence, and at the request of Thurtell, than in his giving 5*l.* to Thurtell himself. His Lordship then proceeded to read the evidence, and observed that the whole of what Probert told about his and Hunt's stopping at the several public-houses on the road from London, was confirmed by other witnesses, and the delay at Elstree received an absolute confirmation from Mr. Field, the landlord of the public-house. Again, what Probert said of his meeting Thurtell at the gate near his own cottage, was supported by his boy, Addis, who clearly stated that John Thurtell had come to the cottage that evening before his master, and walked up towards the gate after. The going out and ordering supper to be delayed, under pretence that they were going to Nichols's to get a day's shooting, when they really were going to see and remove the body, was found to be supported by the evidence of Susan Woodroofe, the cook, who did actually delay the supper. What Probert said of Thurtell's kicking the leaves about in search of the knife and pistol, is spoken of by Harrington and his fellow-labourer, who saw them in the morning in the lane still looking for the pistol and knife. Those witnesses said that one of the two men wore a white hat; one of them swore positively that Thurtell was the person who wore the white hat; the other they described as a person wearing large black whisks. It appeared from the evidence of Probert's servant woman, that Thurtell had been out that morning, and that he had on him her master's white hat. She saw him lying on the sofa in the parlour. All that Thurtell related as happening at his house, was confirmed by the evidence of Mrs. Probert. And here Mrs. Probert was a competent witness. If her husband were on his trial, she certainly would be an incompetent witness against him, and the reason of that was, that such testimony might afterwards produce differences between man and wife. She here confirms the statements of her husband. She produced the chain, which she said was given her by Thurtell, and which was proved by other witnesses to have been worn by Weare. With respect to what was stated to have been said by Thurtell of Hunt, in the absence of the latter, and to which the learned Counsel, Mr. Thessiger, properly objected, he was bound to keep faith with him, and to tell the Jury to dismiss all that from their mind. It was no evidence against Hunt. The prisoner himself had lamented the consequences of that dreadful vice of gambling, which leads to the most wicked actions—which hardens the heart, and saps the best principles of our nature. If that censure which the prisoner had cast on the nobility and gentry of this country was well founded, and if he had only followed the example set by them, it was earnestly to be hoped that this dreadful crime would be to them a salutary warning to abstain for the future from such evil practices. His Lordship then went to the testimony of the other witnesses; and in observing on the gun sworn to by Addis to have been in Thurtell's gig on the night of the 24th, when he came to Probert's cottage, and proved by others to have been found at Hunt's lodgings, and to have belonged to Weare—Thurtell, the prisoner, rose, and begged pardon for interrupting his Lordship. The double-barrelled gun he had brought down to Probert's was his own, and was sold at Probert's auction after.

Mr. Justice Park said that if the prisoner had omitted that in the evidence for the defence, he would hear it now if he pleased to call any witness to that effect,

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but what a prisoner merely said was not to be taken as true by the Jury, in the absence of proof.

His Lordship then was proceeding to comment on the evidence, when

Thurtell, having perused a note handed him by his Solicitor, requested his Lordship to allow him to call the Sheriff to prove that his gun was sold at Probert's auction.

The Judge—You do not mean the High Sheriff?

Thurtell—I mean the Under Sheriff.

Mr. Nicholson, the Under Sheriff, was then called and sworn.

Thurtell—I wish to ask you whether my double-barrelled gun was not sold as my gun at Probert's sale?

Mr. Nicholson—A gun was sold at Probert's auction, and we thought it to be Probert's gun.

Thurtell—Was it not sold as my gun?

Mr. Nicholson—Certainly not. It was sold as Probert's property.

Mr. Justice Park—I admitted this evidence thus irregularly, but I hope without impropriety. It appears clearly that the gun sold at Probert's could not be the gun spoken of in the evidence as brought down by Thurtell, for the boy said the same gun that was brought down in the gig in the evening, was taken away in the morning after; therefore it could not be the same gun sold at Probert's auction. The Learned Judge then observed that the evidence of Probert was corroborated with respect to the body having been undressed when it was put into the second sack. It was very probable that Probert had said that he and Hunt were innocent of the murder, because they were not present, but that was a vulgar error into which many persons were apt to fall. It was probable also that the communication might have been made in confidence to Mr. Franklin, who was a very respectable character; but the law of England knew nothing of confidence in communications with the Clergy, except, perhaps, in the instance of Roman Catholics. The Learned Judge next commented in detail on the evidence of Mrs. Probert, Miss Noyes, Thomas Thurtell, and Tetsall, pointing out to the Jury the material points in which it was corroborated. He again called their attention to that part of Rexworthy's evidence which went to identify the murdered person. It appeared that Rexworthy had known Mr. Weare for a considerable time, and that witness had stated that he was accustomed to carry money about him between his shirt and waistcoat. If a great deal depended on the testimony of such a man as Rexworthy, much credit could not be attached to it, for he was one of those panders to bad and avaricious passions, who were too often to be found in society. But the main point he had to prove was the identity of the deceased, and of that there was now no question. The evidence of Mary Mullony, the servant of the deceased, was very important. It would be for the Jury to say how it was possible for the articles which had been produced as the property of Mr. Weare, to have been carried down to Elstree, and found there in the possession of another under the peculiar circumstances of the case? Every day's experience showed that Judges considered property found in the early possession of another, after such property was missed, as not lawfully belonging to that person, and the inference was that he had come dishonestly by it. In the present case a drowned body was found in a ditch, and within the short space of nine—nay, six hours, the articles in question were discovered in another place, and identified as belonging to the deceased. It would be for the Jury to form their own opinion upon these facts, which bore so strongly upon the whole case. The Jury would also bear in mind that the witness Shepherd had said that Hunt, when hiring the gig, had stated that he was going to Dartford. Why was he ashamed of saying that he was going to visit a friend at Elstree, if he had not some dark object which he wished to conceal? There was also evidence to show that Hunt and Probert had been seen at the Bald-faced Stag together shortly after the murder. The facts stated by Stephen Probert were most material, as they proved that Hunt's mind was wicked and depraved to a shocking degree. Hunt talked of his deeds of blood without the slightest emotion; and if the matter was confined to a mere declaration, it might be treated with indifference, but unfortunately there were dreadful facts connected with it, which showed too well his horrible purpose.—[Thurtell here rose from his seat, and,

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bowing to the Learned Judge, said—"My Lord, I wish to remark, that Field stated in his evidence that Hunt was alone at the Artichoke on the Tuesday night. I beg, my Lord, you will read that part of the evidence."]

Mr. Justice Park read over some passages at the request of the prisoner, and stopped at these words in Field's evidence—"I saw Hunt on Tuesday at three in the afternoon." He then observed that he did not see what point the prisoner wished to establish.

Thurtell—My Lord, the reason I made the request was, because I want to know what Hunt could have been there for on the Tuesday but to converse with Probert about their plan.

Mr. Justice Park—I do not yet see how this can serve the prisoner's case.

Thurtell—My Lord, that circumstance would corroborate the facts I have stated in my defence as to Hunt having planned the murder in concert with Probert; and it was only after my witnesses had come down that I was informed by my Counsel that they could not be admitted to prove what I now say. My Lord, I wish also to remark upon another point.

Mr. Justice Park—I will not allow any comments from the prisoner while I am recapitulating the evidence.

Thurtell—I beg your pardon, my Lord, it is not my wish to trespass on the Court.

Mr. Justice Park—Prisoner, have you any thing else to say?

Thurtell—My Lord, if you will look to the depositions of Freeman, you will find that he talked of a yellow gig and of the horse being of a bay colour.

Mr. Justice Park referred to the depositions.

Thurtell—I don't mean the depositions taken before the Coroner, my Lord.

Mr. Justice Park—I am not, Sir, looking at the depositions taken before the Coroner.—Here the Learned Judge conferred for a few minutes with the prisoner's Counsel, and then stated to the Jury that the object of the observations made by the prisoner was, as he understood, to have it inferred that Hunt had come to the place alone, with the view of getting rid of the body, in concert with Probert. The Learned Judge then proceeded in his comments on the evidence, and in the mean time

A constable of the name of Pie was called, who deposed that he found the gun when he took Probert's goods in execution; Probert telling him then, that it belonged to a gentleman named Wardle.

In reference to the evidence of Freeman, the Learned Judge said, that that witness had distinctly stated that it was not a yellow gig, and he had not said a single word about the horse.

Thurtell—I beg your Lordship to see if his wife has not spoken to the colour of the horse.

Mr. Justice Park—She has not been examined as a witness, and therefore the Court can take no notice of any thing she might have said. The Learned Judge having gone minutely through the evidence, expressed himself to the following effect:—Gentlemen, I have gone through the whole of the evidence, not omitting a single fact on one side or the other. Whatever may be the result of this day, I can truly say that I have endeavoured to discharge my duty. With respect to the credit due to Probert, you will consider in what way his evidence has been corroborated. It is said he is a witness unworthy of credit: I myself should say so, even if I had only heard what has occurred during the present inquiry. But you will have to consider whether or not he is not fully confirmed in some important points of his statement. With regard to Hunt he has relied upon the grounds of the promise made to him before the magistrates. The prisoner Thurtell read to you a long address which you will weigh well as coming from a man in his situation. His defence is to be considered differently from his fellow-prisoner. He has called three witnesses to speak to his character. One Gentleman, Captain M'Kinlay, relates that he is allied to a very ancient and respectable family. It gives me some concern to find an individual so connected in such a situation. But this gentleman has not known him these nine years. Haydon, an auctioneer, speaks highly of him also; he always considered him an honest man. The Sheriff's officer—by what means he became acquainted with him did

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not appear—had likewise given him a good character, and never lost sight of him to the present time. Upon the subject of character, in doubtful cases, good character ought to weigh. But in no case should the decision be found upon character—much less upon a bad one. It ought to be decided on the facts. If, in the present case, the facts bring home conviction to your minds, then you are bound to say so. God forbid that any human being should suffer innocently in this excellent country, so renowned for the mildness of its laws and the administration of justice! Thurtell, in his defence, complains of the calumnies which have been so industriously circulated against him. It is astonishing to me that any man, possessing the education of a gentleman, with a regard for good morals and the feelings of his fellow creatures, should not abstain from publishing what must of necessity wound the heart of an individual circumstanced as this person was. Gentlemen, if you have any clear or rational doubt, then you will give him the benefit of his character. I have endeavoured to put the case before you in as clear a manner as possible. If, notwithstanding the retired situation where the murder was committed—if, notwithstanding no human eye saw it, yet if the finger of God points to the proof, you will exercise the duty you owe to yourselves, to your God, and to your country, by finding the prisoners Guilty.

(Mr. Justice Park commenced charging the Jury at a quarter past twelve, and concluded at half-past three. During the charge Thurtell listened with a profound attention, with a firm countenance, without betraying the least signs of emotion. Hunt appeared much dejected, and a good deal exhausted from internal suffering.)

The Jury turned round, and having communed together a few minutes, requested that they might retire. A bailiff was accordingly sworn, and they were about quitting the box, when Hunt, who was evidently much agitated, expressed a desire to address a few words to his Lordship.

Mr. Justice Park—In this case I am greatly distressed to reject what in pity one would wish to be heard. If you will disclose what you have to communicate to your learned counsel, I will hear what it is, and should it be any thing which I think ought to be named to the Jury, I will do it.

The Jury were here preparing to leave the box, when his Lordship directed them to remain a few minutes.

Mr. Thessiger then came to the bar, and Hunt whispered what he wished conveyed to the Court. The learned counsel having heard it, went to the Judge, and, after a few minutes private conversation, his Lordship, addressing the Jury, said, "Gentlemen, I have nothing more to say to you."

The Jury retired at half-past three o'clock to deliberate on their verdict. During their absence Thurtell took a survey of the Court. A glass of ale was furnished him, which he drank off at a draught.

In half an hour the Jury returned to the box. The immense crowd within and in the avenues of the Court, presented an awful stillness whilst the names of the Jury were called over.

Mr. Knapp—Gentlemen, are you agreed in your verdict. Is John Thurtell *Guilty or Not Guilty*?

Foreman—*Guilty*.

Mr. Knapp.—Is Joseph Hunt *Guilty or Not Guilty*?

Foreman.—*Guilty* as an accessory before the fact.

The Foreman and several of the Jury were so affected, that they hid their faces with their hands.

MOTION IN ARREST OF JUDGMENT.

Mr. Chitty then rose to make a motion in arrest of judgment. The grounds of the motion were, that the proceedings in this trial were invalidated, by the circumstance of their having taken place on a day, the 6th of January, the Epiphany, appointed by statute to be kept holy. The learned gentleman cited the statute of the 5th and 6th of Edward VI. which prescribed several days to be kept holy, and contended that, not only was the statute prohibitory, but it subjected the party offending to an indictment.

Mr. Justice Park observed, that the Chief Justice of the King's Bench was sitting at this moment, and had sat yesterday. The invariable custom was to sit on those days.

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Mr. Chitty re-urged his arguments; and he solemnly, and in the name of God, entreated the Judge to respite the sentence until the opinion of the Twelve Judges was ascertained on the subject.

Mr. Justice Park said there was no validity in the objection; and if he entertained the least doubt on the point, he would respite the sentence. But he felt not the least doubt, and of course he must think the point set at rest by invariable usage. He then alluded to the nature and ends of the statute of Edward VI. In short, he considered this a proposition so extensive and so dangerous, that he would be disgracing his office if he allowed it to prevail for a moment.

Motion refused.

SENTENCE OF DEATH ON THE PRISONERS.

Mr. Knapp.—John Thurtell and Joseph Hunt, you having been arraigned on an indictment for the murder of William Weare, and then on a Coroner's Inquisition, to which you have pleaded *Not Guilty*—you have been tried by God and your Country, which country have found you guilty of the said murder. What have you to say why judgment should not pass upon you, to die according to law?

Thurtell.—My lord, before the sentence is passed, you will, I hope, allow me to express a wish, and for the last time, that you will consider well the evidence which has been before you. Remember, I now, for the last time, solemnly assert my innocence. My Lord, I have to request, not for myself—for as to myself I am ready this moment—but for those friends who are dear to me, who are now at a considerable distance—friends whom I wish to see once more before I part for ever—for them, my Lord, I entreat that you will postpone the execution until Monday.

His voice faltered as he uttered this address, and the tears covered his cheeks. He quickly, however, resumed his composure.

The Crier then made proclamation, and

The JUDGE having placed the black cap on his head, proceeded with the sentence:—"John Thurtell and Joseph Hunt; after a very full, very fair, and impartial trial, a Jury of your countrymen, with, I think, perfect propriety, have found you guilty of the offences of which you are respectively charged—you, John Thurtell, as a principal; and you, Joseph Hunt, as an accessory before the fact. It cannot but impart to every feeling mind much compunction to reflect that a person who, as your conduct this day shows, was born for better things, and also as you have stated, who received in the early period of life, impressions of religion from your mother, should have committed so foul and detestable an act. For notwithstanding your repeated assertions of innocence over and over again, I, who judge alone from the evidence that has been placed before me, have in my conscience as much satisfaction of your guilt, as if I had beheld the deed with my mortal eyes. I trust, then, that you will not apply the flattering unction of innocence to your soul, and that you will not go before that all-seeing Eye with a lie in your mouth, and murder in your right hand. You best know—or rather that all-seeing JUDGE best knows, what foundation there is for all those protestations. According to the evidence, this is one of the most foul and wicked murders that the mind can conceive. It is dreadful to think that you should go on in the wicked course you have pursued, of gaming, and all kinds of dissolute practices, living in those haunts of dissipation which are the bane of society, and that you should have carried on the appearance of friendship to this unfortunate man, in, as I stated to-day, a confederacy of vice—that you should be the means of introducing him to the remote place where he was to be brought, under pretence of amusement; that you should induce him to carry the materials with which he was to amuse himself; and that in the moment of darkness and silence, he should have been no more. If he be, in reality, the description of man which the evidence that has been adduced enables us to believe him to be, think how much your foul crime is aggravated, by cutting him off in an hour when he was unprepared for the awful change, and before, perhaps, he had time to call upon the name of God. I seek not to make your crime more hideous, or render your misery more oppressive; but I would represent these things to you in the hope of urging you to more sincere repentance. You appear to be well instructed in your

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duties ; short as your time is, it is more than twenty times told the space you gave for preparation to the unhappy victim you have deprived of existence. Use then the means you have to make your peace with God. It has appeared by the evidence, or it has come to my knowledge in some other way, that the Clergyman of the gaol is a most respectable man, and that you had some conversations with him. I do beseech you to continue that intercourse ; seek out the way to redeeming grace by the merits of your SAVIOUR !—knock at that gate which will not continue closed to those who with proper intentions approach it. To the Grace of God, through the merits of that SON, you have to look ; and while you acknowledge your great guilt in humility and repentance, may God of his infinite mercy grant you the favour of his indulgence ! The sentence, as I am bound by the law of the land to pronounce it on you, John Thurtell, is, that you be taken from hence to the place from whence you came ; thence, on Friday next, the 9th of January, to the place of execution, and there to be hanged by the neck until you are dead ; that your body be then taken down and delivered to the surgeons to be dissected and anatomised.—The sentence of the Court on you, Joseph Hunt is, that you be taken to the place from whence you came, and thence to the place of execution, there to be hanged by the neck until you are dead ; and may God have compassion on your souls.”

During this address the Judge was melted into tears several times. Hunt appeared occasionally to be deeply affected, and covered his face with his handkerchief ; but Thurtell remained perfectly composed.

As soon after the sentence as a passage could be made through the crowd, a chaise was brought down to the Court-house door leading to the dock. The prisoners were immediately conducted forward, the chains were heard clanking as they moved. Thurtell first entered the chaise, and sat in the centre. Hunt followed next, and sat in the next corner. Mr. Wilson, the gaoler, next entered ; Thurtell moved to the off corner, and gave him the centre.

On reaching the gaol they were brought into the common room. Both stood together without casting on each other one glance of recognition while they were undergoing the usual process of search. Thurtell's snuff-box appearing to be empty, he turned about to Bishop, the Bow-street officer, who was present, and addressing him said, “ Bishop, do let me have some snuff, I shall want a pinch.” Mr. Bishop said he was sorry, but he had not any snuff, having never carried a snuff-box. A gentleman present said he had some, and at the same time offered his box. Thurtell, while the snuff was pouring from one box into the other, took some hastily in his fingers and applied it to his nose. He seemed to bear his approaching fate with spirit, but it was that sort of spirit which he seemed to labour to keep up. Both prisoners were then led to their separate cells, and two men were stationed at the door of Thurtell's cell until the time of his execution.

At half-past eight o'clock on Thursday morning the Chaplain repaired to the prison, having felt it to be his duty, and in fact with the approbation of Thurtell, to perform in the course of the morning the religious offices, to which, for the consolation of prisoners in his unhappy situation, the Sunday before execution is generally devoted. The day of the week not admitting the intervention of the Sunday, it was nevertheless deemed necessary to give the prisoners the benefit of this ceremony on the eve of execution.

Thurtell, after the Chaplain had left him on Wednesday night, was thoughtful and resigned, and soon after threw himself upon a mattress, and fell into a sound sleep. He awoke about one o'clock, and addressing one of the attendants, said, “ William, are you awake ? ” The man said, “ Yes, Sir.” Thurtell rejoined, “ All's right,” and in a few minutes exhausted nature again composed him, and he slept and snored loudly. He awoke again about six o'clock, dressed, and took some tea. At a quarter before nine o'clock, he was brought from his chamber into the ante-room of the chapel, where he saw Hunt, who was miserably dejected. Thurtell merely recognized his fellow-prisoner with a nod of the head, but spoke not to him. Thurtell's demeanour was calm and composed. He repeated his thanks to Mr. Wilson, the governor of the prison, for his uniform kindness to him, and said, “ I suppose, sir, by this time to-morrow all will be over.” “ Not so early, Mr. Thurtell,” said Mr. Wilson, “ but compose yourself to prayer.” A prayer book was then handed to him, and he passed,

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followed by the other prisoners, into the chapel. The Rev. Mr. Owen, a near relative of the High Sheriff, was in the chapel. As soon as the necessary arrangements were made, the Chaplain (Mr. Frauklin) commenced the service. He began with the following prayer, which he delivered in the most impressive manner:—

THE PRAYER.

“ Oh ! thou great and glorious Lord God ! thou high and holy one, who inhabitest eternity, and despisest not the meanest of thy works, we humbly beseech thee to look down in compassion upon us, thy poor vile and sinful creatures, who now present our prayers and supplications unto thee. Have mercy upon us ! O Lord, have mercy upon us ! According to the multitude of thy tender mercies, blot out all our transgressions, and remember our sins and iniquities no more. And do thou, in pity to our infirmities, dispose our hearts, and strengthen our resolutions, to serve and fear thee, the only God, all the days of our lives.

“ Grant us the grace of thy holy spirit, that we may every day become better, and wiser unto salvation ; that we may be enabled to reform and amend all that is amiss in the frame and temper of our minds, and in the course and action of our lives ; that we may mortify our lusts, govern our passions, and direct our whole conversation aright. Assist us mercifully, O God, to do all that is good ; to avoid all that is evil ; and finally, to be partakers of thy heavenly kingdom.

“ We humbly beseech thee, O Lord, to bless and preserve us, thine unworthy servants, who are at this time assembled in thy name, to be present in the midst of us, and to assist us in the holy service of devotion in which we are engaged ; and grant, that those truths which shall be delivered out of thy revealed word, may have their due effect, and lasting influence upon the hearts and consciences, upon the lives and conduct of us all.

“ These prayers, O heavenly Father, we humbly offer up unto the throne of mercy, in the name and through the merits and mediation of our Lord and Saviour Jesus Christ, in whose most comprehensive form of words we sum up all our petitions.”

CONDEMNED SERMON.

Text—2d Cor. v. 10.

“ We must all appear before the judgment-seat of Christ, that every one may receive the things done in his body, according to that he hath done, whether it be good or bad.”

The Rev. Chaplain said, that in the beginning of the chapter, St. Paul expressed an earnest desire to quit this earthly tabernacle for a house not made with hands, and to be present with the Lord ; but that, however the Almighty should dispose of him, he should make it a constant labour and study so to conduct himself, that both in this world, and at his presentation in the next, he might hope to be approved and accepted by his God, and that to this end his actions were daily governed and directed. He then enforced upon the prisoners the simple and expressive rule of St. Paul, and emphatically pointed out the force and value of attention to it. He implored the prisoners to consider the certainty of a future judgment. Not to dwell on the persuasion and belief of all Heathens and Pagans in every age and country, in this respect, on the dictates of every man's natural conscience, his self-approbation of secret virtue, his self-condemnation of secret vice, the hopes and fears that agitate every man's breast on account of his most private actions, and the inmost thoughts of his heart, were all, he said, so many proofs of his helief in a future judgment.

In the second place, he said, that neither was it necessary to take an extensive view of the unequal distribution of happiness and misery in this life : how virtuous and holy men were often afflicted in this world, and that too, even for righteousness sake : and that profligate, daring, and impious men, often flourish and prosper—they came not into trouble, neither were they plained like other men ; hence the justice of God seemed to require, that at the final consummation of all things this seeming injustice should be rectified, and that God would one

day fully vindicate the righteousness of his government, acquit the honour of his justice; and that there would be held a general assize of all men that ever breathed on the face of the whole earth, when they would all have a fair and open trial, and God would render to each according to his works. The Chaplain then enforced the truth of the divine judgment, and after making a powerful impression upon his auditory by the eloquence of his argument, he exclaimed, "Hear the words of your Redeemer: 'The day is coming, in which all who are in their graves shall hear the voice of their Judge, and shall come forth; they that have done good, unto the resurrection of life; and they that have done evil, unto the resurrection of damnation.'" He remarked upon the astonishing indifference of some persons to the divine declaration, and the impossibility of their conducting themselves in the manner some did, were they impressed with its truth. He was particularly solemn and impressive in dwelling upon the profligacy and profaneness of some, who were not deterred by a sense of religion from the commission of sin; just as if eternal justice were asleep—just as if all their wicked actions would be buried with their dead bodies, and should never rise again in judgment against their immortal souls. He contrasted with such impious indifference the calmness, the consolation, and hope of a true Christian, who built his hope on the fundamental belief of happiness hereafter, and illustrated the value of such a hope by the practice of St. Paul, and the serenity and piety of his life. The Chaplain then said, that it would be easy to draw a terrific picture of the great and terrible day of judgment; but he preferred the arguments which cool reason suggested, to those which terror and amazement inspired. He invoked the attention of the prisoners to the plain and powerful expression of the Holy Scriptures. Suppose then, said he, that "you saw the heavens opened, and the Son of Man coming in great power and glory, and all his holy angels with him. Suppose that you heard the mighty cherubim, in burning rows, sounding the loud trumpet of archangels, and a mighty voice piercing the heavens and the earth—'Arise, ye dead, and come to judgment!'" Suppose you saw the throne set, and the great Judge sitting upon the throne of his glory; and all nations gathered before him; and all the dead, both small and great, standing before God; the books opened, and the dead judged out of the things written in those books; suppose you heard the respective sentences upon all mankind pronounced by the mouth of Christ himself: 'Come, ye blessed of my Father, receive the kingdom prepared for you, from the foundation of the world!' and, 'Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels.' "Would not this," continued the reverend gentleman, "be an appalling scene? and did not the Gospel positively declare that it should come to pass?" He asked then, why was not that dreadful fact operative upon human conduct? Why, then, such insensibility to human interests—why stifle the voice of conscience—why labour to drown its cries, by the din and riot of worldly cares and pleasures?

After dwelling forcibly on this topic, the reverend gentleman exclaimed—"Let this present season of Advent constrain us all to look carefully and steadily to our last great account; and seeing now, with our own eyes, the awful spectacle before us, where human justice is about to vindicate the violation of her laws, let us lift up our hearts to higher views, and raise our thoughts from earthly to heavenly subjects. Let us argue thus:—If the day of God's judgment be so dreadful at a distance, that I can hardly now bear the very thought of it, from the recollection of my sins, how insupportable will the thought itself be, when it eternally does come!" He, in conclusion, contrasted the times of ignorance of the heathen and the Christian world, and, as St. Paul said, "the ignorance of the former God winked at, but now all men were commanded to repent, because he hath appointed a day to which he will judge the world." "Oh, then, at once," said the Chaplain, with great fervour and earnestness, "repent! let the wicked forsake his ways, and the unrighteous man his thoughts; and let him turn unto the Lord, who will have mercy upon him, and unto our God, who will abundantly pardon, through the merits and mediation of Jesus Christ, our Lord and Saviour."

Repeatedly, during the delivery of the sermon, the Chaplain was affected to tears. Thurtell at times evinced uncommon emotion—his manner was extremely penitent, but his fortitude was still maintained, and he awaited with composure

his impending fate. He hoped, he said, to meet it with the firmness of a man, and the resignation of a Christian.

In the course of the service, the Chaplain read the Litany, though out of order, very properly judging there were parts in it more applicable to the case of the prisoners than occurred in the rest of the service.

When the following prayer was read, Hunt seemed dreadfully affected, and his head dropped upon the front of the pew :—

“That it may please Thee to defend and provide for the fatherless children and widows, and all that are desolate and oppressed.”

It was originally proposed to try the prisoners in irons ; but Mr. Taylor, the barrister, represented to the High Sheriff the illegality of such a proceeding, and the intention was in consequence abandoned.

A meeting of the magistrates was held on Wednesday morning, at which the place where, and the time when, sentence should be executed upon Thurtell, was taken into consideration. It was finally resolved that the culprit should be executed at twelve o'clock on Friday noon, in front of the centre door (which is called the “Mill,” or “Tread-mill-door”) of the gaol, and not in the field or gravel-pit, opposite the prison, where malefactors are usually executed.

The whole armed power were summoned to attend on this occasion. The magistrates, with great propriety, directed Bishop, Ruthven, and Upton, of the Bow-street establishment, to remain until the behests of the law were complied with.

Thomas Thurtell, on Thursday afternoon, took his last farewell of his unfortunate brother. This scene was singularly solemn and affecting. John Thurtell appeared to feel with strong sensibility, the awfulness of his situation. He grasped his brother by the hands, and pressed them with force and fervency. His expression was, “God bless you, Thomas. There are now nine of us ; by this time to-morrow there will be but eight !” The latter part of the sentence was delivered in a tone in which the firm and pathetic were equally mingled.

Hunt's execution is fixed for January 22d, if the application to the Crown, in behalf of the prisoner, should not prove successful. Fourteen days are, we understand, allowed by law to accessories in cases of murder ; and therefore the High Sheriff has named the day which we have mentioned.

Mr. Clutterbuck, the magistrate, was in close conference with Thurtell for a considerable length of time at Thurtell's own particular desire. The subject of the conference, it is said, related to matters of a private nature.

In the course of the evening two gentlemen arrived from Cambridge, to inquire respecting any information which Thurtell could give on the subject of the disappearance of the Rev. Mr. Colton. The object of their inquiry was to ascertain, for the purposes of the College, whether Thurtell could furnish any information which might possibly prevent the lapse of the living from devolving upon the diocese. Thurtell's answer to this application was, that he knew nothing of Mr. Colton.

At ten o'clock on Thursday, Probert, having been informed that he was at liberty to depart, left Hertford gaol, in which he slept on the preceding night. As he was about to quit the gaol, one of the turnkeys, of whom he had borrowed two or three shillings, stopped him, and insisted on being paid ; but it was not without some hesitation that he discharged the debt. Before Probert had proceeded far from the gaol, he met his wife, Miss Noyes, and Thomas Noyes. Their recognition of each other was cold ; and, after conversing for a few minutes, Probert left the party, and proceeded in an opposite direction to that which they took. He was afterwards seen walking round the town with a man of respectable appearance. He himself was well dressed, and walked with a swaggering air.

The High Sheriff issued directions that no person whatever should be admitted to Thurtell, it being his wish to be kept perfectly composed.

PREPARATIONS FOR THE EXECUTION.

The situation of the paling round the drop (15 feet deep and 30 feet long) has been before described. Twelve feet from this paling, a strong six-inch plank barricade was fixed for the accommodation of the gentlemen of the press. Outside this, at a distance of ten feet more, a line was kept by nearly 200 parish constables, who, forming an outer barricade with their long staffs, effectually kept back the numerous spectators, who could not amount to less than 15,000.

It is now asserted, that Thurtell declared to Mr. Wilson, that he *would confess to none but God!*

Inside the paling, and close to the drop, about 20 javelin men were stationed, in their drab uniform, and with pikes, as usual.

THE EXECUTION.

At a quarter past 12 on Friday noon, the Under Sheriff, Mr. Nicholson, made his appearance on the drop: in about two minutes Thurtell ascended the fatal steps; he was dressed in a coffee coloured frock coat with black velvet collar, white neckcloth, and black kid gloves; he looked very pale and thin; his countenance was composed; the composure that of resignation; he proceeded to the further end of the drop, bowed most respectfully to Mr. Nicholson, and shook hands with him; he then advanced to the front and surveyed the immense concourse of spectators without moving a muscle; the executioner next made his appearance, and proceeded *instantly* to remove Thurtell's neckcloth; just at this moment he recognized a person in the crowd and bowed to him, but still there was not the slightest change in the expression of his features; the cap was then pulled over his face—being of unusually thin texture, his features were clearly discernible. Whilst the rope was putting over his head, Mr. Wilson, the Governor of Hertford Gaol, and the principal turnkey ascended the scaffold. At this moment, as the executioner threw the rope over the beam, the lips of the culprit moved. As the knot was tying, he looked up to it, and spoke to Foxon, who replied "Oh! no, Sir." He turned away again, and, reclining his chin on his breast, seemed to pray for about half a minute; the motion of his lips were clearly seen; as by a sudden thought he turned his face upwards again to examine the rope, when seeing Mr. Wilson behind him, he tendered him his hand, and spoke for upwards of a minute to him, as in remonstrance on the insufficient fall allowed him; the executioner seemed desirous of convincing him to the contrary, by pulling it down, to show its extreme length; at last he seemed satisfied, and again faced the populace, when the principal turnkey of the gaol advanced to shake hands with him, which Thurtell readily complied with, and, by his manner, appeared pleased with the offer. The executioner retired.

Thurtell again prayed—his hands steady as ever—himself displaying a firmness that would have well become a better fate—he fell from time into eternity at about 22 minutes after twelve o'clock.

The crowd at this time must have exceeded 15,000. We understood that the Rev. Chaplain took his farewell of the unfortunate man at the foot of the steps leading to the drop.

FINIS.



